

## **Appendix C - Comments and Responses**

### **Purpose of Appendix C**

Appendix C provides a paraphrased summary of, and Forest Service responses to, significant comments received during the 45-day public comment period for the Forest-wide Travel Management Environmental Assessment (EA). Letters received before or after the comment period were reviewed but were not included in this Appendix. All of the comments received were considered prior to the preparation of the Decision Notice for the EA.

### **The Public Comment Period**

The 45-day comment period for the EA began April 15, 1999 and ended June 1, 1999. The Forest Service used a variety of methods to inform the public about the availability of the EA and the 45-day public comment period. These methods included publishing a legal notice in the Laramie Daily Boomerang, publishing press releases in local newspapers, mailing the EA to individuals, organizations, grazing permittees, and agencies who had expressed interest in the project, and personally contacting those entities who could be affected by the information contained in the EA.

### **Comments and Analysis**

The Forest Service received 174 comment letters and 5 phone calls during the 45-day public comment period for the EA. The letters and phone logs are available for review at the Forest Supervisor's office in Laramie, Wyoming. This Appendix contains all of the significant comments that were considered and addressed. Resource specialists and staff of the Medicine Bow National Forest reviewed all comments received, and appropriate resource specialists generated responses to the comments.

Many of the comments received were similar in nature and were, therefore, combined for response. In these instances, the comments were combined into one general comment category, and examples of specific comments were extracted from the letters/phone calls in an attempt to better illustrate the nature of the comments received. WHILE YOUR COMMENT MAY NOT BE ONE OF THOSE THAT WAS EXTRACTED AND USED AS AN EXAMPLE, IT WAS CONSIDERED INDIVIDUALLY.

### **How to Find Your Comments**

You can find the number of your letter/phone call by referring to the list of commentors sorted alphabetically by last name or agency/organization affiliation. If you are interested in seeing who made a particular comment, you can also find the commentor by looking at the list of commentors sorted by letter/phone call number.

All significant comments were read, considered, and responded to. While you may think that nobody listened if you did not get what you asked for, review of this document will show that you were heard.

## Commentor List

All of the individuals, organizations, and agencies who commented on the EA are listed below. The number in front of each entry corresponds to the commentor's letter/phone call number.

### Commentors Listed Alphabetically by Last Name

139 - American Lands Alliance	61 - Cox, Roger
103 - Asleson, Dave	149 - Cruze, Elinor C.
177 - Asleson, David	111 - Culnan, Brian
2 - Baker, Bill	160 - Dalrymple, Madeline
126 - Barto, Louis	93 - Damson, Robert E.
176 - Barto, Louis	97 - Davis, George P.
124 - Bates, Charles R.	156 - Davis, Thomas E.
73 - Bean, Earl	110 - Devin, Senator Irene K.
23 - Bean, Earl R.	59 - Dinger, Marilyn
28 - Bean, Lance D.	19 - Dowd, Patricia
130 - Benson, Leo & Rosemary	54 - Driese, Ken
98 - Benton, Bob	170 - Druchniak, Robert E.
77 - Benton, Petronella	88 - Egay, Sarah
66 - Berger, Jim	87 - Ellis, John & Shelley
64 - Berger, Marian	51 - Espach, Ralph & Rebecca
129 - Biodiversity Associates, FOB	117 - Evans, Michael A.
58 - Bird, Bryan	113 - Fertig, Walter & Laura Welp
162 - Blankenship, Dan	25 - Forrester, Mary
122 - Blewer, John Mac Gregor	74 - Foster, Jeffrey R.
127 - Blue Ribbon Coalition, Inc.	148 - Fransen, Bonnie
42 - Bohle, Scott	13 - Freeman, Andrew
109 - Bohlen, Charles H.	26 - Funk, Wendell
179 - Brandt, Marvin	56 - Geyer, Jeffrey R.
60 - Braun, Louis	67 - Glode, Joe
72 - Breazeale, Vern	159 - Gorin, Sarah & Bern Hinckley
45 - Brenneman, Bill	131 - Gottfried, David B.
70 - Bride, Shaun M.	89 - Goose, Robin Waldo
63 - Brinkman, Vera & Don H.	100 - Guenther, William C.
119 - Bromley, Jo Ann	11 - Guthlein, Pete
71 - Browning, John M.	121 - Hagemarren, David
108 - Bryson, Andrew M.	69 - Hallamer, Dr. John
114 - Bull, Gene	33 - Harshbarger, Jean
115 - Butler, Cindy	132 - Hett, Carol
43 - Butterfield, Larry E.	104 - Hiemstra, Christopher A.
101 - Chesbro, Wally	144 - Hittel, Earline F.
79 - Christensen, Martha	125 - Hudson, Robin & Banks
102 - Clow, Bradley H.	96 - Jansen, Larry
167 - CO Wild, Inc & Western CO Congress	50 - Jenkins, Mark
112 - Colorado Wild Inc.	16 - Jennings, Lonny F.
152 - Continental Divide Trail Society	12 - Johnson, Vern & Florence
85 - Cooper, Linda	36 - Jordan, Sabine D.
20 - Coppock, Andrea Noel	91 - Kaczmarczyk, Paul

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84 - Kesselheim, Donn	120 - Rawlins, Chip
94 - Kirkwood, Robert W.	168 - Reiners, William A.
5 - Kocernik, Diana	81 - Richmond, David S.
4 - Kohley, Tom	34 - Ring, Ray
46 - Kubiak, Frank	29 - Ringsby, Eric William
166 - Kubiak, Frank, B.	147 - Rittle, Keith
171 - La Grange, Kathryn	55 - Rittmueller, James W.
1 - Leslie, Jim & Gail	86 - Roach, David
135 - Lew, Robert	49 - Robbins, Arthur
57 - Lindner, Jeanne	134 - Rocky Mountain Recreation Initiative
53 - Lindzey, James	62 - Rollison, Pat
140 - Mains, Ruth A.	106 - Rose, Maia
153 - Marburger, Donna	142 - Rugotzke, Barbara E.
38 - Martens, Ashley	17 - Russo, Alicia
14 - Mayer, Sigrid	174 - Sanford, Suzanne
10 - McCoul, Laurel S.	146 - Savage, Harlin
82 - McDonald, Howard	175 - Schwandner, Sherman
155 - McDonald, Jazmyn	15 - Slider, Francis D.
83 - McDonald, Nancy	40 - Smith, Don
47 - Mead, R.C.	68 - Smith, Kent
151 - Meade, Kenneth	90 - Sprenger, Willard
128 - Meadows, Bob & Carol	165 - State Historic Preservation Office
107 - Measom, Fran	75 - States, Jack
123 - Milburn, Robert	35 - Steitz, James
116 - Milek, Dr. James A.	133 - Stewart, Sharon
158 - Miller, Neil & Jennifer	27 - Swann, Byron
6 - Moore, Peter J.	141 - Swanson, John R.
7 - Moore, Peter J.	136 - Swinehart, David R.
178 - Morrison, Angus & Mary-Lou	157 - Taylor, Meredith
173 - Muller, Teri	52 - Tereskiewicz, Thomas
80 - Native Forest Network	48 - Thompson, Bob
22 - No Name	169 - Thoney, Larry J.
163 - Office of Federal Land Policy	78 - Troxel, Jeff
150 - Olds, G. Leone	44 - Warner, Barbara
3 - Ort, Robert D.	9 - White, Phil
118 - Painter, Donald L.	76 - White, Randall
39 - Palmer, Noel	145 - Wildlife Management Institute
172 - Pappas, Kathy	32 - Willms, James A.
31 - Parsons, Barbara	41 - Willms, James A.
37 - Paton, Fran	105 - Wiltse, Eric
24 - Paulson, Deb	95 - Winter, Dr. John E.
161 - Paxton, Marian	30 - Wyoming Farm Bureau Federation
18 - Phillips, Brad	164 - Wyoming Game & Fish Department
65 - Platt, Wyane	99 - Wyoming Green Party
137 - Prager, Norman	154 - Wyoming Wildlife Federation
92 - Prager, Sibyl	21 - Young, Michael K.
138 - Predator Project	8 - Zars, Reed
143 - Purdy, Robert & Virginia	



**Commentors Listed by Letter/Phone Call Number**

1 - Leslie, Jim & Gail	49 - Robbins, Arthur
2 - Baker, Bill	50 - Jenkins, Mark
3 - Ort, Robert D.	51 - Espach, Ralph & Rebecca
4 - Kohley, Tom	52 - Tereszkiewicz, Thomas
5 - Kocernik, Diana	53 - Lindzey, James
6 - Moore, Peter J.	54 - Driese, Ken
7 - Moore, Peter J.	55 - Rittmueller, James W.
8 - Zars, Reed	56 - Geyer, Jeffrey R.
9 - White, Phil	57 - Lindner, Jeanne
10 - McCoul, Laurel S.	58 - Bird, Bryan
11 - Guthlein, Pete	59 - Dinger, Marilyn
12 - Johnson, Vern & Florence	60 - Braun, Louis
13 - Freeman, Andrew	61 - Cox, Roger
14 - Mayer, Sigrid	62 - Rollison, Pat
15 - Slider, Francis D.	63 - Brinkman, Vera & Don H.
16 - Jennings, Lonny F.	64 - Berger, Marian
17 - Russo, Alicia	65 - Platt, Wyane
18 - Phillips, Brad	66 - Berger, Jim
19 - Dowd, Patricia	67 - Glode, Joe
20 - Coppock, Andrea Noel	68 - Smith, Kent
21 - Young, Michael K.	69 - Hallamer, Dr. John
22 - No Name	70 - Bride, Shaun M.
23 - Bean, Earl R.	71 - Browning, John M.
24 - Paulson, Deb	72 - Breazeale, Vern
25 - Forrester, Mary	73 - Bean, Earl
26 - Funk, Wendell	74 - Foster, Jeffrey R.
27 - Swann, Byron	75 - States, Jack
28 - Bean, Lance D.	76 - White, Randall
29 - Ringsby, Eric William	77 - Benton, Petronella
30 - Wyoming Farm Bureau Federation	78 - Troxel, Jeff
31 - Parsons, Barbara	79 - Christensen, Martha
32 - Willms, James A.	80 - Native Forest Network
33 - Harshbarger, Jean	81 - Richmond, David S.
34 - Ring, Ray	82 - McDonald, Howard
35 - Steitz, James	83 - McDonald, Nancy
36 - Jordan, Sabine D.	84 - Kesselheim, Donn
37 - Paton, Fran	85 - Cooper, Linda
38 - Martens, Ashley	86 - Roach, David
39 - Palmer, Noel	87 - Ellis, John & Shelley
40 - Smith, Don	88 - Egay, Sarah
41 - Willms, James A.	89 - Goose, Robin Waldo
42 - Bohle, Scott	90 - Sprenger, Willard
43 - Butterfield, Larry E.	91 - Kaczmarczyk, Paul
44 - Warner, Barbara	92 - Prager, Sibyl
45 - Brenneman, Bill	93 - Damson, Robert E.
46 - Kubiak, Frank	94 - Kirkwood, Robert W.
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100 - Guenther, William C.	142 - Rugotzke, Barbara E.
101 - Chesbro, Wally	143 - Purdy, Robert & Virginia
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103 - Asleson, Dave	145 - Wildlife Management Institute
104 - Hiemstra, Christopher A.	146 - Savage, Harlin
105 - Wiltse, Eric	147 - Rittle, Keith
106 - Rose, Maia	148 - Fransen, Bonnie
107 - Measom, Fran	149 - Cruze, Elinor C.
108 - Bryson, Andrew M.	150 - Olds, G. Leone
109 - Bohlen, Charles H.	151 - Meade, Kenneth
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122 - Blewer, John Mac Gregor	164 - Wyoming Game & Fish Department
123 - Milburn, Robert	165 - State Historic Preservation Office
124 - Bates, Charles R.	166 - Kubiak, Frank, B.
125 - Hudson, Robin & Banks	167 - CO Wild, Inc & Western CO Congress
126 - Barto, Louis	168 - Reiners, William A.
127 - Blue Ribbon Coalition, Inc.	169 - Thoney, Larry J.
128 - Meadows, Bob & Carol	170 - Druchniak, Robert E.
129 - Biodiversity Associates, FOB	171 - La Grange, Kathryn
130 - Benson, Leo & Rosemary	172 - Pappas, Kathy
131 - Gottfried, David B.	173 - Muller, Teri
132 - Hett, Carol	174 - Sanford, Suzanne
133 - Stewart, Sharon	175 - Schwandner, Sherman
134 - Rocky Mountain Recreation Initiative	176 - Barto, Louis
135 - Lew, Robert	177 - Asleson, David
136 - Swinehart, David R.	178 - Morrison, Angus & Mary-Lou
137 - Prager, Norman	179 - Brandt, Marvin
138 - Predator Project	

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**01: Supports the Proposed Action; the Proposed Action Doesn't Go Far Enough**

**Comments:**

- I am writing in support of the Forest Service's efforts to curtail off-road vehicle travel in the Medicine Bow Forest. The extensive use of 4-wheelers, dirt bikes, and other toys in the forest is tearing up beautiful country, and disproportionately diminishing the outdoor experience for those of us engaged in quieter, less polluting, less destructive pursuits.

**Letter #'s:** 08, 25, 27, 29, 61, 68, 76, 85, 94, 96, 116, 121, 126, 139, 141, 146, 158, 159.

- I support the proposal to prohibit off-road motorized travel.

**Letter #'s:** 01, 04, 09, 10, 15, 17, 18, 31, 49, 52, 54, 59, 60, 62, 70, 84, 87, 88, 107, 111, 112, 123, 136, 140, 147, 155, 169, 177.

- This is the most positive development that I have seen in the last decade of planning in the Forest. Overall this type of planning is overdue, comprehensive, and required. It will also be extremely controversial, and I commend the Administration of the Medicine Bow National Forest for their determination in solving what has become quite a Forest-wide problem. As is acknowledged in the plan, the Medicine Bow National Forest has one of the most extensive road networks of any national forest in the mountain west. Thus there is no shortage of opportunities for vehicular travel in the national forest as it currently stands...In short, any argument advanced that the proposed rules adversely affect personal freedom are incorrect and inflated.

**Letter #'s:** 42, 78, 145, 160, 168

- I am glad that you are finally taking some action to deal with the rampant off-highway vehicle (OHV) use on the Medicine Bow National Forest. However, what you propose in the Forest-wide Travel Management Environmental Assessment is too little, too late.

**Letter #'s:** 74, 108, 138, 148, 172

- We must start to listen to the voices of reason. Forest resources are limited and fragile and must be preserved for future generations of Americans. To make reasonable limitations on ORV use is not only reasonable, but is absolutely mandatory.

**Letter #'s:** 81, 143

- We are glad to see the USFS is proposing to restrict all off-road vehicles (ORV) year-long to designated roads and trails on the Forest. Given the extensive damage caused by ORV use in recent years -- coupled with the explosive growth of ORV use on the Forest - it is necessary and appropriate for the USFS to prohibit off-road travel. The fact that there are so many illegally pioneered ORV trails on the Med Bow shows many ORV users are acting irresponsibly and need restrictions. Thus, we support the decision to restrict ORV users to designated trails and routes.

**Letter #'s:** 93, 98, 104, 105, 129, 154, 167

- The preferred alternative for the Medicine Bow also limits motorized use to designated routes, but does not close any existing routes. You've wisely left the route designation process to site specific analysis. I appreciate you not affecting routes until you've had the chance to ``study" the fate of each.

**Letter #:** 162

- Lack of funding, lack of enforcement capability and enormous motorized pressure mean that the Medicine Bow National Forest is in conflict with the Forest Plan, the Rocky Mountain Regional Guide and a number of regulations and statutes. At the same time the Forest is strapped for the very resources which would allow it to be brought into compliance with these mandates. Given these challenges, it is commendable that, with the Forest-wide Travel Management Environmental Assessment, you are taking this first step of restricting motorized use to existing roads and trails.

**Letter #:** 134

- The Department supports allowing motorized travel up to 300 feet off designated routes for some activities. The 300-foot extension should be restricted if it causes or results in resource damage. The concerns over conflicts with wildlife can be addressed in future analysis as discussed on page 9 and should include those areas identified on page 29, and other areas as necessary.

**Letter #:** 164

- We agree that an action is necessary so that increased disturbances and losses to wildlife and habitat do not continue. We generally support the proposed action as being the most useful for benefiting wildlife and habitat, because it has the best potential for adequately considering effects of new roads and addressing concerns for habitat effectiveness, habitat fragmentation, security areas, disturbance during critical seasons, and movement of big game to private land during hunting season.

**Letter #:** 164

**Response:** *Thank you for your comment.*

## **02: Alternative 2 (Game Retrieval) Would Not Work**

### **Comments:**

- I oppose Alternative 2. While I do believe big game retrieval ought to be allowed off road where off-road restrictions do not exist, I do object to allowing ATV's on closed roads for this purpose as outlined. This alternative also seems to be unduly complex as described.

**Letter #'s:** 01, 32, 55

- Alt. 2 and its game retrieval time frames are unsatisfactory because meat may spoil if not attended to in a prompt fashion. Further, it's too dangerous for the disabled to go back into areas to retrieve game after dark.

**Letter #:** 46

- Alternative 2 would allow for off road vehicles of less than 48' in width to travel off road to retrieve game. I find this unacceptable. I do not want to purchase a \$5,000 toy when I have a pickup available to do the same thing. In fact, I would be obligated to stay on cleared or open ways because my vehicle cannot "snake" between trees like those can. Open it up to all vehicles! This alternative would be a nightmare to enforce.

**Letter #:** 48

- Alternative 2 should not be selected. This alternative shows preferential treatment for a select population (hunters with ATVs). In general, this comment agrees with the assessment that this alternative would be the most difficult to enforce and the most costly to implement. In addition, greater potential for resource damage may occur during hunting season due to the increase in population of forest users during hunting season, the increased use of ATVs for hunting, increased precipitation during the fall season and beginning of freeze/thaw cycles, etc. Selection of this alternative may indirectly lead to an increase in ATV use by hunters.

**Letter #'s:** 71, 111

- I do not recommend lifting the regulations to allow for big game retrieval. It would create an enforcement nightmare.

**Letter #'s:** 130, 169, 179

**Response:** *Thank you for your comment.*

### **03: Law Enforcement**

#### **03a - The Forest Service Needs to Increase Law Enforcement, Education, and Monitoring**

**Comment:**

- The USFS should increase monitoring and enforcement and halt illegal travel on the Medicine Bow.

**Letter #'s:** 01, 10, 11, 14, 15, 35, 38, 39, 50, 52, 59, 71, 78, 84, 94, 104, 108, 112, 120, 132, 140, 142, 144, 149, 156

**Response:** *The Medicine Bow National Forest is currently developing a new Law Enforcement Plan. The new plan will emphasize priorities for enforcement actions and a monitoring program to evaluate enforcement efforts by law enforcement officers*

*and forest protection officers. The issue of travel management, including off-road travel has been identified as the number one priority for enforcement actions by officers. Additionally, a new national law enforcement management activity reporting system has been developed and is currently being implemented. The reporting system will track violations and areas where future enforcement emphasis should be focused.*

**Comment:**

- The USFS should increase education and secure funding for responsible ORV use and the problems they cause (i.e. irreparable scarring and soil erosion).

**Letter #'s:** 10, 11, 15, 36, 38, 39, 40, 52, 59, 71, 78, 80, 84, 88, 104, 108, 112, 120, 122, 129, 132, 136, 140, 142, 150, 156, 158, 160

**Response:** *This concern is, in part, addressed on page 20 of the EA wherein we have identified increased law enforcement efforts and education as a ``Feature Common to All Alternatives." Pages 109 through 113 of the DEA also include a discussion of the economic features of the alternatives. Within that discussion, several cost elements that support information and education efforts are identified. Consequently, we feel that the need for increased education and law enforcement is supported in the EA.*

**Comment:**

- ...the USFS is under-funded and in many cases not able to fulfill its responsibilities to the public. The acceptance of alternatives that are economically driven but unfriendly to prudent resource management must not be permitted. It is the responsibility of the USFS to increase public education on these issues, to develop and secure in collaboration with public entities and agencies, the necessary funding to develop, implement, and to enforce laws and regulations relating to forest travel

**Letter #'s:** 32, 55, 75, 90, 130, 167

**Response:** *The matter of funding for this project, or any other worthy function, is the ultimate legal province of Congress, as expressed through the annual budget process. It is unrealistic to ignore this matter of fact. However, the Forest Service has clearly expressed its advocacy for such funding in the DEA (pages 109 - 113), as specified in the response to the previous comment.*

**Comment:**

- I don't believe travel management in the Bow is broken so don't try to fix it. I believe a little more enforcement of rules already on the books will go a long ways in preventing what this document says will happen if nothing is done.

**Letter #'s:** 43, 86

**Response:** *The current travel management program was developed and implemented with the Forest Land Management Plan, approved in 1985. Since implementation, travel*

*management activities (e.g. 10 fold increase in ATV use, illegal two track road building) have created a situation wherein the existing travel management program is no longer adequate. Thus, it is necessary to re-evaluate the program and develop a new plan to address the current issues facing travel management and law enforcement.*

**Comment:**

- Don't forget the positive impact of voluntary enforcement. I hope we can use something like this to avoid even greater polarity.

**Letter #:** 67

**Response:** *Several informational and educational programs (e.g. Tread Lightly, classes on respect for the environment during Hunter Education Classes, booth displays and informational material at State Fair, Sportsman's Shows, and Cheyenne Frontier Days, etc.) have been developed and are currently being used by the Forest Service to reach the public. Additionally, Forest Service employees have elicited voluntary compliance by presenting programs at high school and technical school open-house events. We sincerely believe that we are reaching some un-informed people through our involvement in these programs.*

**Comment:**

- Since many ATV drivers are ignoring current travel policies, I have no expectation that the preferred alternative in the travel plan will have any better results. I also understand that the Forest Service does not have the manpower to enforce travel regulations.

**Letter #'s:** 105, 116

**Response:** *The Decision Notice provides clearer and more precise direction to the ATV motoring public; thus, there should be no mis-understanding about the rules governing ATV use on the Forest. The Forest recently (August 1, 1999) added an additional law enforcement officer position in Laramie, WY. The additional officer, along with a reallocation of forest protection officer duties during peak periods of activity, e.g. holiday weekends, and hunting seasons, will increase the efficiency and effectiveness of enforcement activities on the Forest.*

**Comment:**

- I believe that strict enforcement efforts of current laws and regulations should be increased particularly on weekends. I notice many underage riders, vehicles without mufflers, unlicensed vehicles, irresponsible riders, etc. in the forest area every weekend. Most of those same riders are abusing the privileges of our public lands and should be sanctioned accordingly. I would propose increased enforcement efforts be undertaken immediately. I would also support a Forest Supervisor's Order restricting off road motorized travel this summer on trails in the WYCOLO area.

**Letter #'s:** 123, 169

**Response:** *The Forest Service may enforce regulations, as authorized by Congress and coded by the Department of Agriculture, in Title 36, Part 261 Code of Federal Regulations, Subpart A and Subpart B. These regulations do not allow the Forest Service to enforce state statutes related to registration of vehicles, and/or drivers. The authority and jurisdiction for vehicle registration and drivers lies solely with the state. So, it is the local county sheriff's department and the highway patrol who must enforce the laws related to licensing, under-age drivers, etc. while the vehicles are operated on public roads (including open Forest Service roads). The need for a Supervisor's Order which prohibits ATV operation off-road (on trails, etc.) would require a site by site analysis of the activity to determine the need and extent of the order necessary to protect the resources and public in a given area.*

**Comment:**

- There have been a lot of good gravel bottom roads that were constructed for logging that now have been closed off in the Battle Mountain area. Why not open up these roads and spread out the hunters making a pleasant hunting experience for both local and out of state hunters. Also, get some law enforcement personnel out there to stop some of the problems we have run into.

**Letter #:** 128

**Response:** *This comment will be useful during the site-specific, Phase II analyses when we determine what kind of transportation system is appropriate in specific areas. The current analysis deals specifically with closing off-route travel.*

**Comment:**

- The DEA indicates that for the Proposed Action, the USFS would dedicate eight "Forest Protection Officers" (FPOs) to monitoring and enforcement of travel management restrictions, from June through October. This would be a significant increase over the existing situation, and we applaud the agency for recognizing the need to increase monitoring and enforcement. At the same time, though, we believe 8 FPOs is not enough to prevent ORV violations and resource damage from continuing to occur. This would result in only 2 FPOs overseeing the vast area on the Laramie Peak unit, only 2 FPOs overseeing the vast area of the Sierra Madre mountains, only 2 FPOs overseeing the all of the lands north of the Snowy Range highway, and only 2 FPOs overseeing the entire region of the Forest south of the Snowy Range Highway. This is not enough. There should be at least 4 FPOs on each of these units, particularly during times of year when Forest visitation is high (e.g., during hunting season, and on holiday weekends during the Spring, Summer, and Fall).

Furthermore, having FPOs on duty from June through October is also inadequate to prevent ORV damage and violations. Many ORV users try to access Forest lands in April, May, November, and sometimes into December. Bear baiters also begin placing baits on the Forest in April and begin hunt in May; these are times Forest vegetation and soils are highly susceptible to damage. Likewise, the fall hunting seasons for some animals extends into November, when Fall storms again create moist soil conditions and



make ORV damage more likely. Because the DEA admits most ORV use on the Forest is associated with hunting (DEA, page 41), the USFS should ensure FPOs are out on the Forest during all hunting seasons and pre-seasons (e.g., archery seasons and during times when bear baits can be pre-placed).

**Letter #:** 129

**Response:** *Eight seasonal/temporary FPOs would be hired for the express purpose of enforcing travel regulations and is thought to be a realistic number at current budget levels. In addition, certain year-round/permanent employees are FPO certified and made available during peak use periods. Also, other seasonal and permanent employees are monitoring campground compliance, fire and forest product regulations in the National Forest. While these employees (five currently) are paid with funding specific to recreation, fire and timber; they are able to enforce travel regulations. Currently nine permanent employees are FPO qualified, five are active. Two LEOs are also assigned to the Medicine Bow National Forest. WG&F provides assistance with National Forest regulation compliance. We do not expect law enforcement efforts to be effective by themselves, regardless of FPO numbers. Compliance will be achieved through information and education, peer pressure, and working with partners and volunteers. Please see Costs Common to All Alternatives and Costs Not Considered sections of EA for further details (EA pages 109 - 113).*

<b>03a1: The State of Wyoming Should Share the Costs of Law Enforcement</b>
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**Comment:**

- We also think it is reasonable to require the State of Wyoming to share in the costs of monitoring and enforcement since (i) the State establishes the hunting seasons and hunt areas on the MBNF, (ii) the State profits from the sale of hunting licenses, and (iii) the State licenses (and again profits from the sale of these licenses) most of the vehicles which are causing the damage to the Forest and its resources.

**Letter #:** 129

**Response:** *State jurisdiction over game animals is a matter that dates back to English Common and is a matter of Constitutional fact. Although the Forest Service and State wildlife agencies engage in extensive cooperative efforts, it is generally accepted that the Forest Service is responsible for the management of the supporting wildlife habitat, and the expense that entails. The monitoring and enforcement of Federal laws and regulations must, with few exceptions, remain with the Forest Service.*

<b>03b: Decibel Limits Should Be Implemented</b>
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**Comment:**

- I believe it's unfortunate that the USFS cannot more effectively enforce existing, or create stricter, decibel limits in the summer and winter. The USFS should place decibel limit signs, and suggestions to minimize wheelspin and keep the revs low, at trailheads.

**Letter #:** 13

**Response:** *The Forest Service may only enforce those prohibitions as listed in Title 36 Code of Federal Regulations, Part 261, Subpart A and Subpart B. A Subpart A (General Prohibition) does not currently exist which would cover decibel limits. There is also not a Subpart B (Supervisor's Order Prohibition) that we can quote, or that is tied to state statute, which would create a decibel limit for individual machines (either ATV, motorcycle, or snowmobile).*

<b>03c: Licensing Requirements Should Be Implemented</b>
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**Comment:**

- I do not see the value added in Forest Service personnel enforcing state licensing laws. It has always been my understanding, and maybe I'm wrong, that if a road is marked as a county road then the county has jurisdiction. If the road is marked as a forest road then the forest service has jurisdiction. Am I thinking in too simple of terms in this matter? I have not head of the requirement for me to have a motorcycle endorsed license so that I'm legal to drive a 4-wheeler. I have a feeling this is someone's individual interpretation because I cannot imaging people driving their 4-wheeler down to the licensing office to drive around cones in a parking lot.

**Letter #:** 43

**Response:** *Some of the roads on the Forest are dual designated (e.g. Highway 130, and 230). On those roads that were Forest roads prior to being designated state highways, the Forest Service has authority and jurisdiction for that portion of the road that is within the Forest boundary. The same is true for county roads within the boundaries of the proclaimed National Forest boundary. Thus, the Forest Service law enforcement officers have limited authority on some county and state roads. Wyoming state statute (31-1-101) defines a highway as "every way publicly maintained or if not publicly maintained, dedicated to public use when any part is open to the use of the public for purposes of vehicular travel". Wyoming state statutes (31-5-102 and 31-1-101(a)(xv)(K)) define motorcycles and off-road vehicles, respectively. Wyoming state statute (31-7-109) requires the operator of any motorcycle and/or off-road vehicle that operates on a public highway to meet the standard for operation of a motorcycle. Thus, an ATV operator on a National Forest road is required to possess a valid license with a motorcycle endorsement AND the vehicle must have a valid license plate, brakes, brake lights, reflector, headlight, horn, taillight, muffler, and mirror.*

**Comment:**

- I support a total ban on off-road vehicle use on any trails. ORV use should only be allowed on designated, maintained Forest Service roads. All ORVs driven on forest roads should be licensed and driven by licensed drivers.

**Letter #'s:** 14, 105, 151

**Response:** *This document is not intended to address travel on existing routes (including trails). Site-specific decisions about appropriate uses for existing trails will be made during the Phase II analyses.*

*Motorized trails provide a legitimate experience that the Forest Service wishes, and is obligated, to maintain. Many motorized trail users seek a Semi-primitive experience not provided on Forest Service roads. Deciding to ban OHV use on all trails would eliminate that travel experience in a very arbitrary manner.*

*As stated in the DEA, all ORVs operated on Forest roads must be licensed and driven by licensed drivers.*

#### **03d: Focus on Increased Enforcement and Stricter Penalties**

**Comment:**

- The penalties for violating the restrictions are simply inadequate to deter abuse even when the restrictions are enforced. [The Forest Service should] focus on securing more resources for enforcement and more appropriate penalties for violations.

**Letter #'s:** 32, 55, 64, 77, 93, 116, 126, 151, 176

**Response:** *The Forest Service is currently developing a new law enforcement plan for the Medicine Bow National Forest. The plan recognizes the need for additional funding and manpower for enforcement and has requested the same. The current bond schedule for violations of the Code of Federal Regulations is established by the US District Court. In June 1999, recommendations for substantially higher fines were forwarded to the US District Court through the US Attorney's Office. It is anticipated the new bond schedule will be reviewed in the Fall of 1999, and a new schedule released in January 2000.*

**Comment:**

- I think spending more money on enforcement and recovery of user-created sites than on pamphlets and more educational signage would be appropriate...In reference to page 68, in order to raise funds for the expense of education, recovery of user-created sites, and enforcement, why not use fines collected from perpetrators of the off-roading forest policies?

**Letter #'s:** 56, 117

**Response:** *By federal law, all fines collected by either payment of a bond schedule fine, or collected after conviction in federal court must be deposited in the US Treasury. The Forest Service does not have a mechanism for receiving the fine monies collected in fines.*

#### **03e: Number of Existing Law Enforcement Personnel Is Adequate**

**Comment:**

- Increased law enforcement effort? NO WAY!!!! Forest Service personnel already have too much power over the lives of citizens. Their presence on the forest should be as minor as possible, with the mandate to help the public users of this land as much as they can, not to harass them over every little thing.

**Letter #'s:** 33, 48, 63

**Response:** *A variety of responses related to law enforcement needs were received from the public. The majority of responses favored additional law enforcement presence in the field because of: 1) an increasing number of violations; 2) an observed disregard for existing road closures; 3) increased environmental damage; and 4) disregard for the rights of others. Additionally, the Forest Service is mandated by Congress to enforce the Code of Federal Regulations when and where violations are observed. We believe our environmental education programs and the printed information we provide to the public is designed to assist the public in enjoying their National Forests while protecting the resources so everyone may enjoy them in the same capacity.*

<b>03f: Federal and State Motorized Vehicle Laws and Regulations</b>
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**Comment:**

- On page 78 of the subject USFS assessment, item (1), a quotation of "All Federal and Wyoming laws applying to motorized vehicle use" stands out like an intimidation of all ATC (All Terrain Cycle) owners. It emphasizes the highly offensive elements of present ATC statutes and I feel it is quoted only as an expression of the USFS negative attitude.

**Letter #:** 34

**Response:** *The comment referred to is a simple statement of fact. The Forest Service does not have the authority to supercede state statutes covering the use of motorized vehicles on open public Forest Service roads. This is because the Forest Service has proprietorial jurisdiction. This means that the Forest Service may only enforce those regulations promulgated through the Code of Federal Regulations. All other authorities granted to the states apply, including those which govern licensing, registration and operation of motorized vehicles on open roads.*

**Comment:**

- The EA states on page 78 that: Title 36 CFR, Parts 261.12 and 261.13 regulate the operation of motorized vehicles on FDRs and off FDR roads respectively. And that this feature is common to all the Alternatives including the No Action Alternative. However on page 79 the EA states: if Alternative 1 were chose, existing travel regulations would remain unchanged. It also states that we currently do not have a Title 36 CFR, Part 261.A, prohibition which regulates motor vehicle operation of FDRs and trails. Which way is it?

**Letter #'s:** 43, 101

**Response:** *Title 36 CFR Parts 261.12 and 261.13 are general prohibitions that the Forest Service may enforce on roads and trails. However, there are limitations as to what may be enforced. We may enforce load, weights, lengths, widths, failing to stop at a weigh station, damaging roads, blocking, restricting or interfering with a road. All of the above apply to roads. We may enforce the following on trails: drivers license requirements, operable braking systems, hours of operation without a headlight, noise emission established by federal or state law, DUI, excessive or unusual smoke, careless or reckless driving, resource damage, and violations of state law established for vehicles used off road. Concerns expressed about licensing for use on roads is something we do not have authority to enforce.*

**Comment:**

- Comments of your employees imply that ATVs can freely use the ``roughly 2800 miles of existing roads and trails." Do you plan to ensure that in the proposal? Technically, ATV's cannot be on the roads, but fortunately some common sense has usually prevailed on this issue so far. If you do not plan to insure free use of the roads by ATV's this is a thinly veiled move to eliminate this form of recreation.

**Letter #:** 110

**Response:** *The Forest Service may not over-rule the licensing and registration requirements mandated by state statute; thus, the Forest Service may not "technically ignore" statutes. Therefore, the Forest Service is not in a position to ensure that a Sheriff's Department or Wyoming Highway Patrol will not enforce statutes on Forest Development Roads. Additionally, because we try to reasonably ensure public safety in our management decisions, to prevent tort liability law suits and for other reasons, we may request that the Forest Supervisor sign prohibition orders that will regulate the use of some types of vehicles.*

<b>03g: Travel Violations</b>
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**Comment:**

- The E.A. doesn't explain if the increase in documented violations is due to increased law enforcement and public contacts. I believe that the latter is the case as documented on the Laramie District.

**Letter #:** 101

**Response:** *Increases in documented violations are due to two factors: 1) significant increases in the number of off-road vehicles being used on the Forest, and 2) an increase in the effort of law enforcement personnel in dealing with problems that have increased because of the increased use. It should be noted that there has been a significant amount of time spent on the part of all employees (non-law enforcement and enforcement) with prevention and education of the public about proper training, licensing requirements, and respect for the land associated with travel with motorized vehicles on the National Forest.*

**Comment:**

- The plan must address enforcement of violations. In the monitoring which we have conducted on four northern region forests, Predator Project has found that ORVs already account for most violations of road closures. Even the limited restrictions currently proposed will result in resentment by some OR users which will result in further violations. Unless the Forest Service devotes sufficient resources to enforcing the restrictions the plan will be ineffective. ORVs are designed to travel over rugged terrain. The advertisements which sell these machines and the subculture which surrounds them encourage users to drive up the steepest slopes and over the most rugged terrain they can find. Without vigorous enforcement there is nothing to stop ORVs for using the thousands of miles of trails left open as a jumping off point for illegal cross-country travel. The Forest Service should seek funding through the Symms act for the enforcement of the plan.

**Letter #:** 138

**Response:** *The writer is correct. Without increased emphasis on field enforcement, the plan will not succeed. To increase enforcement the Forest Service has adopted a pro-active approach to the problem. First, a law enforcement officer has been assigned to the Laramie District full-time and is working to enforce existing regulations. Second, a new law enforcement plan is in draft stages for the Medicine Bow National Forest, and travel management is the number one priority identified for enforcement activities. The plan will be successful if districts make travel management their number one priority and devote sufficient resources to enforce regulations during peak periods when ATV/ORV vehicles are being used on the Forest.*

**04: The DEA Doesn't Use the Best Available Science and Doesn't Address Cumulative Effects**

**Comment:**

- It seems that the literature you have selected to reference is outdated (1980's) or does not really apply to elk in the Snowy Range (a population that behaves very distinctly from other elk in national forests and even behaves differently amongst the herds within the Snowies). Just think of how the hunting has changed in the last 5 years, let alone the last 15. With hunters and hunter-days on the rise (for elk), exponential increases in the use of ATVs, and ultimately the liberal changes in seasons by the Wyoming Game and Fish Department, elk have become wise to our ways. These old studies must be updated with radiotelemetry research that shows elk behavior (migration, disturbance levels, etc.) especially during the fall. There should definitely be a study done on rutting behavior as compared to traffic density/disturbance during the month of September.

**Letter #:** 56

**Response:** *The Forest Service believes that the literature selected for reference does represent pertinent research, and is representative of research done in the Snowy Range.*

*Literature referenced to support this type of analysis should be pertinent to the type of analysis being conducted, should be pertinent to the species or situations involved, and ideally should be regionally or locally applicable. Local studies are usually the exception, and when they are available, they are often considered a luxury. How old the research is can be, but is not always, a factor determining its relevance. It is correct that many recent studies replace older research and represent the most recent thinking within any research topic area. However, there are many landmark studies that have been conducted as much as several decades ago that are still pertinent. More important than the publication date is the types of research questions being asked, and how pertinent they are to the analysis being conducted. At least one-half dozen published and computer based bibliographies were searched for this effort.*

*The most recent detailed elk studies from the Snowy Range are those conducted by Lorin A. Ward in the 1970's and 1980's (Rocky Mountain Forest and Range Experiment Station, Forest Sciences Laboratory, Laramie WY), and are referenced in the specialist report and in the Draft Environmental Assessment (DEA)). Also referenced in the DEA are papers from the elk vulnerability symposium which took place at Montana State University in 1991. The papers in this symposium represent not only recent research, but a lifetime of elk research by some of the presenters, and represent current thinking on elk vulnerability and elk security. Several of the more general references are from "Wildlife and Recreationists" (R. L. Knight and K. J. Gutzwiller, 1995, Island Press, Washington, D. C., 373 pp.). Books such as these represent current thinking on the topic in general.*

*Finally, the Forest Service agrees with the Commentor that there are still some unanswered research questions....there always will be. Conducting research is beyond the scope of this project and the analysis being done for this project. Also, some of the questions posed by the Commentor are management questions, not research questions. Some management solutions are within the jurisdiction of the Wyoming Game and Fish Department, and therefore are beyond the scope of this project (e.g., number of hunters and hunter days, season changes, etc.). Some management solutions are within the jurisdiction of the Forest Service. The proposed travel regulation changes being addressed in this effort is one proposed solution to several management needs that are identified in the Purpose and Need Section of the DEA.*

**Comment:**

- Wyoming Game and Fish manages the wildlife of this state and it is in excellent shape in the Medicine Bow Forest. Elk herds are large and healthy. If any problem exists, the hunting harvest was too low this past fall primarily due to weather and your current road closures...There is no solid scientific evidence that wildlife is suffering from off-road travel by families, hunters, or retirees.

**Letter #:** 110

**Response:** *The effects of off-road motorized travel on wildlife are analyzed in detail in the DEA, and in the Specialist Report: Wildlife for the Forest-wide Travel*

*Management Analysis (dated 9/3/98, final edit 4/27/99). Also, please refer to the response above.*

**05: The Environmental Consequences Section of the DEA is Inadequate and Doesn't Address Major Impacts to the Ecosystem**

**Comment:**

- Chapter IV on Environmental Consequences does not address all the major impacts to the ecosystem. Addressed are only wildlife (just deer and elk) and soil and water (just veg. damage, soil compaction and erosion, loss of wetlands). This is a small part of the effects of roads.

**Letter #'s:** 02, 10, 11, 15, 52, 59, 78, 84, 88, 112, 116, 120, 122, 132, 133, 136, 140, 144, 154, 156, 157, 160, 171

**Response:** *According to 40 CFR 1500.2, impacts associated with proposed projects are to be discussed in proportion to their significance. While we certainly agree that there are many effects associated with roads that were not discussed in the DEA, we did not feel that such an in-depth discussion was warranted since we are neither proposing to construct roads nor add roads to our Forest Transportation System (FTS) through this analysis. Further, although user-created routes would remain open, temporarily, to motorized use, those that causing considerable adverse off-route vehicle impacts would be closed immediately under 36 CFR 295.5. Decisions regarding whether or not to permanently add them to the FTS would be made during the Phase II, site-specific analyses.*

*For inventory and tracking purposes, user-created routes have been assigned a number that has been posted on the ground; they have also been entered into our database as ``unclassified." They will remain ``unclassified" until we complete the Phase II, site-specific travel management analyses. As mentioned above, we will be determining whether or not user-created routes should be added to the FTS during the site-specific analyses. We will also be determining whether or not existing Forest Service roads should be opened or closed or if new motorized opportunities need to be created. None of these decisions would be made without further public involvement and disclosure.*

**Comment:**

- While the analysis of environmental consequences is inadequate, even the analysis that was done is not used to formulate alternatives that mitigate or restore the impacts. Clearly, the analysis of impacts on elk security area alone shows that the amount of presently open roads has severely diminished habitat quality for elk.

The proposed action will increase the adverse effects on elk (and many other species not analyzed, I believe) as user-created roads will be added to the road system.

Certainly, restricting ORV use to within 300 feet of roads will decrease future user-created roads if adequately policed. However, the environmental analysis shows clearly



that the ecosystem is severely degraded by the present road system. How, then, is it possible to conclude that a reasonable alternative, much less the preferred alternative, is to increase the degradation?

**Letter #:** 02

**Response:** *The alternatives analyzed in the DEA were based on issues raised by the public during the scoping period for this project. At that time, Alternative 5 was developed to address the issue of closing user-created routes, but continuing to allow motorized travel on Forest Service routes. This alternative, if selected, would have "mitigated or restored the impacts" (of user-created routes) as you suggest. However, after discussing this alternative with other Forests around the Region, who have undergone similar analyses, we decided that implementation of Alternative 5 would not be feasible. Experience has shown that trying to address site-specific road/trail closures, while attempting to implement new regulations that would require Forest users to remain on existing routes (whether they be Forest Service created or user-created), was too cumbersome and complex. The responsible official agreed with this determination; it would take far too long to analyze each and every route to the level necessary to determine its fate. Meanwhile new user-created routes would be created. Consequently, we decided that it was in the public's, and the Forest's, interest to stop the development of user-created routes now and determine the fate of both Forest Service and user-created routes during the Phase II, site-specific analyses. The Phase II analyses will also address, in more detail, the current status of the ecosystem and the effect that the road system is having on the ecosystem. See DEA page 29 for a list of areas that would be analyzed first.*

*Although we are not closing user-created routes at this time, unless they are causing unacceptable adverse impacts, we are not adding them to the Forest Transportation System (FTS). For inventory and tracking purposes, user-created routes have been assigned a number that has been posted on the ground and entered into our database as "unclassified" in the database. They will remain "unclassified" until we complete the future, site-specific travel management analyses (identified on page 29 of the DEA). During these analyses, we will be determining whether or not user-created routes should be added to the FTS. We will also be determining whether or not existing Forest Service roads should be opened or closed or if new motorized opportunities need to be created. During the site-specific analyses, the issues you have raised will be addressed in more detail.*

**Comment:**

- The Environmental Assessment focuses attention on the impact of forest users (i.e., recreational users). Further analysis should be continued on mitigating or reducing impacts associated with timber harvesting, grazing, mining and other resource management uses/techniques.

**Letter #:** 111

**Response:** *The DEA was prepared specifically to address impacts associated with off-road, motorized use. While it is stated in the DEA that no roads would be opened or closed as a result of this analysis (unless they are causing unacceptable resource damage), the Forest will continue to analyze the effects of all ground disturbing activities associated with future management activities. In the future, site-specific analyses, impacts associated with any and all ground disturbing activities will be analyzed according to National Environmental Policy Act (NEPA) procedures. The public will be involved in these projects, as required by Law, and all comments made on these projects will be incorporated into any decision that is made.*

**Comment:**

- Some alternatives will allow the development of more user-created routes to the detriment of wildlife, and also appear unenforceable. We ask that all alternatives address wildlife and current Forest Plan concerns by disclosing anticipated impacts and mitigation.

**Letter #:** 164

**Response:** *It is correct that some alternatives have a greater potential than others for the continuation of the development of user-created roads. This is based, at least in part, on the relative amount of off-road motorized access that would still be available in each alternative. These and other effects on wildlife are discussed, by alternative, in Table 13 and accompanying text on page 54 of the DEA, and continues on pages 81-100. Table 23 on page 100 in the DEA contains a summary of factors affecting wildlife and wildlife habitats, as well as a relative rank of impacts to wildlife, by alternative. Forest Plan consistency is addressed on pages 13-19 in the Specialist Report for Wildlife (dated 9/3/98, final edit 4/27/99), and on pages 90-91 and in Appendix B in the DEA.*

<b>05a: Spread of Non-native Plants by Vehicles and People</b>
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**Comment:**

- Other impacts the DEA fails to consider, but the EIS must consider, are the potential for increased litter, increased poaching, increased noise and traffic, increased risk of human-caused fire, and increased risk of introducing non-native species (e.g., noxious weeds).

**Letter #'s:** 02, 24, 129

**Response:** *It is stated in numerous places in the DEA and associated specialist reports that the proposal does not involve the opening of any roads. The final EA also makes it clear that all user-created routes that are causing unacceptable resource impacts would be closed immediately. The primary purpose of the proposal is to restrict all off-road motorized travel that currently exists to designated roads and trails. Since the Forest Service is not increasing access with this decision, increases in litter, poaching, noise, etc., are not anticipated, as mentioned in the comment. On the contrary, a reduction in off-road motorized travel should actually result in a decrease in these effects. In addition, future Phase II analyses will further examine*

*other travel management considerations such as road densities within watersheds (or some other smaller, more appropriate scale), resource goals/requirements in these smaller areas, seasonal motorized use, opening or closing roads, access needs, etc. The reason this will be done during Phase II analyses is that the proposed Phase I decision is a large programmatic effort at the Forest level. It simply is not practical, and perhaps not feasible, to conduct site-specific analyses for all user-created roads and trails at this scale. To analyze all of these user-created roads and trails, their origin, their effect on other resources, and their management usefulness needs to occur at smaller, more site specific scales. These Phase II analyses will be subject to additional public scoping and environmental analyses as required by Law.*

#### **05b: ORV Emissions**

##### **Comment:**

- All snowmobiles and majority of motorcycles and four wheeled ATVs use two cycle engines. These engines are horribly inefficient and emit 20 - 25% of the fuel consumed unburned into the environment. That is equivalent to dumping one gallon of gasoline and oil directly into the environment for every four gallons used. Under current state and federal regulations, it would be unacceptable to sell or operate a passenger automobile with emissions half as bad. Yet the Forest Service allows ORVs to pollute our pristine backcountry. The proposal must address the impacts of ORV emissions

**Letter #'s:** 02, 14, 138

**Response:** *This DEA does not address if OHV's should be used or not (which is outside the scope of this DEA) but rather the place to allow the use of OHVs. Key indicators of the effects to air quality include the potential amount of dust created from unpaved trails and vehicle emissions. Both of these effects would be expected to increase proportionately to the miles of trail designated for season-long use. However, these effects would be temporary in nature and none of the alternatives would seriously degrade air quality.*

#### **05c: Multiplicity of Effects in a Road Zone**

##### **Comment:**

- The FS needs to address a multiplicity of effects in a road-effect zone, extending as much as a kilometer or more on both sides of the road.

**Letter #:** 02

**Response:** *The Proposed Action is expected to reduce effects to the environment since it would reduce cross-country Off Highway Vehicle use across the Forest. However, it would be speculative to attempt to quantify detailed estimates of the effects of implementing a programmatic proposal.*

#### **05d: Disruption of Wildlife Movement Patterns**

**Comment:**

- The FS needs to address disruption of movement patterns of many species, not just decline in habitat effectiveness for deer and elk.

**Letter #:** 02

**Response:** *The proposal does not involve the opening of any road, the construction of any new roads, nor does it involve any vegetation/habitat treatments. Further, under all alternatives, user-created routes causing unacceptable resource impacts would be closed immediately. Consequently, the effects of roads on wildlife and wildlife habitats will either remain unchanged or will be improved as a result of this decision. A reduction in off-road motorized travel would result in a decrease in effects to wildlife and wildlife habitats (including movement patterns).*

*Some of the major issues identified in the Purpose and Need section have to do with wildlife habitat effectiveness and wildlife security. This body of literature can be extrapolated to all wildlife species in general; however, much of the information in the literature, and much of the controversy associated with this issue during scoping and open houses, is related to big game habitat and big game hunting. Identification of significant issues drives the development of alternatives and the analysis.*

*Other parts of the analysis, that served as a relative measure of the effects of motorized traffic on wildlife in general, included: Specific areas affected by mountain range (where off-road motorized travel is currently permitted); the amount of motorized access currently available by mountain range (including open, closed, and obliterated roads and trails); open road densities; and the amount of off-road motorized access that would still be available by alternative. General effects of recreational activities on wildlife are discussed in the Cumulative Effects section on pages 91-92 in the DEA. Finally, 47 species of threatened, endangered, proposed, and Forest Service sensitive fish, amphibian, reptile, bird, mammal, and plant species were analyzed in the Biological Assessment/Biological Evaluation for Forest-wide Travel Management Analysis (dated 8/26/99).*

**Comment:**

- In essence, you are not producing a huge reduction in off-road travel or game disturbance. I guess you could look at it as going from 100% accessible down to 77% accessible OR the elk have 23% 'inaccessible' cover from ATV users (337 yds/437 yds). Of course this cover is highly fragmented by roads so they probably won't stick around on the forest longer anyway. This plan just doesn't improve anything on the disturbance level of ungulate populations.

**Letter #:** 56

**Response:** *The DEA discloses that the proposed travel regulation changes would affect 762,670 acres of the MBNF currently having no off-road motorized travel restrictions. The*

*amount of area (expressed in acres and percent) within this 762,670 acre area that would still have some level of off-road motorized access are presented, by alternative, in Table 13 on page 54 of the DEA, and in Table 23 on page 100 in the DEA. Off-road motorized access that would remain in the area affected by the decision ranges from a high of 762,670 acres (100%) in the No Action alternative (alternative 1), to a low of 46,230 (6%) in alternative 3. Elk security areas are shown on Maps 9-11 in the DEA.*

*The DEA also discloses that 320,363 acres (approximately 30%) of the MBNF currently have some form of travel restrictions in place. The decreases in disturbance to wildlife are discussed on pages 81-100 in the DEA, and in the Biological Assessment/Biological Evaluation for Forest-wide Travel Management Analysis (dated 8/26/99).*

**Comment:**

- Why are the elk populations on the Medicine Bow National Forest increasing in spite of extended hunting seasons? It can't be the "proliferation of user-created roads and trails" as the E.A. states. Perhaps it is behavioral modification of the animals in relation to increased number of hunters over the past years and the effect of weather during the season.

**Letter #:** 101

**Response:** *Many factors related to habitats, climatic conditions, and management (big game hunting regulations) can affect elk populations. Big game hunting regulations, which affect harvest, fall under the jurisdiction of WGFD. Annual climatic patterns often affect the seasonal migration patterns of elk, which can also affect harvest. The amount and type of both on and off-road motorized travel also affect elk movement patterns, which may also affect harvest.*

<b>05e: Mortality of Species on Roads</b>
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**Comment:**

- Has there been a study and analysis of where deer and elk are killed in relation to roads? I know the studies I have read indicate elk tend to stay about 1/2 mile away from traveled roads. If they are usually killed that far from roads then the 300 foot limit will not help hunters in recovering killed animals.

**Letter #'s:** 02, 101

**Response:** *For a comprehensive treatment of the effects of roads on big game, the Commentors are referred to the following publication: Christensen, A. G., L. J. Lyon, T. N. Lonner. 1992. Proceedings of a symposium on elk vulnerability. April 10-12, 1991, Montana State University, Bozeman. 330 pp. If the Proposed Action or Alternative 4 is selected, it is correct that motorized vehicles will not be able to be used for game retrieval beyond the 300 foot limit. Some other means of game retrieval will be necessary. If Alternative 3 is selected, motorized vehicles will not*

*be able to be used for game retrieval beyond the 100 foot limit. If Alternatives 1 or 2 are selected, motorized vehicles will be able to be used beyond 300 feet of a road to retrieve game.*

#### **05f: Forest Fragmentation**

##### **Comment:**

- The FS needs to address fragmentation of the patch that the road goes through, leading to dissection of larger patches into smaller ones.

**Letter #:** 02

**Response:** *The proposal does not involve opening any roads and, in fact, would close user-created roads and trails that are causing unacceptable resource impacts. The proposal also does not involve the construction of any new roads, or any vegetation treatments. Fragmentation of habitats would not be affected by the decision; therefore, an analysis of fragmentation is not applicable to the Proposed Action or the decision.*

#### **05g: Alteration of Runoff Amounts**

##### **Comment:**

- The FS needs to address alteration of runoff amounts and the downstream hydrograph by extension of the channel network.

**Letter #:** 02

**Response:** *As stated in the EA, we are not proposing to open any existing roads or trails through Phase I of this analysis. All user-created routes are currently ``open" for use only because we have not yet had an opportunity to complete site-specific travel management analyses to determine their fate. Since they are already open, selection of the Proposed Action would not ``open" user-created roads and trails and, therefore, would not ``extend the channel network" as you suggest.*

#### **05h: Impacts to Water Quality and Fish**

##### **Comment:**

- I read how the off-road use of OHVs could cause an increase in sediment in streams. I expected to see charts showing amounts of sediment in streams at various times of the year at various locations over the past twenty years or so showing how OHV use has caused an increase of so much here and so much there and how it may change in the future based on what action was taken. I expected to see maps with streams and sediment sampling locations shown on them. I could not find charts showing anything to do with the sediment content of various affected streams in the document or maps with any

streams shown on them at all. I would have to say, based on the information supplied in the document that water concerns are really not what this proposed action is all about.

**Letter #'s:** 02, 135

**Response:** *Much of the data suggested as "expected" in this document would require scientifically based research projects on each stream on the forest to accumulate. Statistically reliable research data is not needed to evaluate the alternatives for the decision being made. The specialists use the results of scientifically based research to evaluate and articulate their observations and conclusions. The data collected for this analysis is commensurate for the level of the decision being made. The Travel Management Environmental Assessment is a programmatic document and does not propose any specific road closures and therefore does not analyze site-specific effects. The information included in the DEA is summarized from the specialist reports, which contain more detail than is needed in the DEA. As subsequent, project level NEPA is completed, the site specific effects associated with specific road closures will be analyzed.*

<b>05i: Impacts to Threatened, Endangered, and Sensitive Species</b>
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**Comment:**

- Research on many threatened & endangered species indicates that roads and their impacts are major negatives for those species [T&E]. Also, there's new evidence that new roads and vehicle use have a negative effect on even the presence of bull elk - and I'm sure that's true of other significant sport hunting species. That should be a serious concern and be evaluated.

**Letter #'s:** 02, 114

**Response:** *The effects of the Proposed Action and its alternatives on elk are discussed on pages 81-100 in the DEA, and in the Specialist Report for Wildlife for the Forest-wide Travel Management Analysis (dated 9/3/98, final edit 4/27/99). The effects of the proposal on threatened, endangered, proposed, and Forest Service sensitive species are discussed in the Biological Assessment/Biological Evaluation for Forest-wide Travel Management Analysis (dated 8/26/99).*

**Comment:**

- Because the Proposed Action would authorize use of "user-created" roads and trails, it triggers the consultation requirements of the Endangered Species Act. The DEA does not indicate the USFS has initiated Section 7 consultation with the U.S. Fish and Wildlife Service (FWS). There are several threatened, endangered and "proposed" species which may be adversely impacted by the Proposed Action and the alternatives considered in the DEA. These include the Boreal Toad, Lynx, Bald Eagle, Preble's Meadow Jumping Mouse, Mountain Plover, and Peregrine Falcon. There may be others. For example, the DEA documents that "1.5 miles of trail were cleared with a chainsaw" with resulting damage to trees and soil resources on the Douglas Ranger District. DEA, page 40. Could this area be inhabited by the Preble's Meadow Jumping Mouse? Were there any

Bald Eagle nests nearby? The DEA also admits "user-created" roads and trails enter riparian areas and waterbodies on the Snowy Range and Sierra Madre regions of the Forest. These activities certainly pose threats to the highly imperilled Boreal Toad. "User-created" roads and trails on these regions of the Forest may also be harming the Lynx -- a species which is known to be susceptible to human disturbance. In addition, the Mountain Plover -- while not a "forest" species -- is known to inhabit grassy areas on the margins of the Forest; consequently, "user-created" roads and trails in grassy areas on the margin of the Forest may be impacting the Plover and degrading its habitat. To determine whether the Proposed Action would significant harm these species or contribute to a jeopardy situation, the USFS must consult with FWS.

Beyond species protected under the ESA, there are a large number of rare and Sensitive Species which are impacted by ORV use and "user-created" roads and trails. These include plants such as the Clustered Lady's Slipper, fish such as the Colorado River Cutthroat Trout, birds such as the Northern Goshawk, and mammals such as the Wolverine. The DEA does not discuss these particular species or how "user-created" roads and trails are affecting them or their habitats. The revised draft and final NEPA documents must include a full analysis and discussion on the potential effects to Sensitive Species.

Also absent from the DEA is an assessment of potential impacts to Sensitive Species and other rare or vulnerable species. ORVs and "user-created" trails crossing wetlands and waterbodies, clearly pose significant impacts to the Boreal Toad and other aquatic and water-dependent species. Yet the DEA does not mention this. Similarly, the proposal to allow "off-road" use within 300 feet of any designated route poses impacts to the Clustered Lady's Slipper and other rare and vulnerable plants. But the DEA does not disclose the potential effects. Other species, such as the wolverine and lynx, are known to be highly sensitive to human disturbance; under the Proposed Action, much of the Forest would be subject to motorized vehicle disturbances, which could compromise the viability of wolverine and lynx populations on the Forest. Again the DEA is silent on these potentially significant impacts.

The USFS must fully analyze and disclose the impacts that the Proposed Action (and each alternative) would have on wildlife and plants species -- including Sensitive Species, State species of concern (including species ranked NSS1, NSS2 or NSS3 by the Wyoming Game and Fish Department), Wyoming Natural Diversity Database Species of Special Concern (including species ranked G1, G2, G3, S1 or S2), and Threatened, Endangered, and Candidate species. The EIS must also analyze potential ORV impacts on the habitats of these species. And the EIS must determine the effects on the population viability and distribution of the populations of native animals and plants which inhabit the Forest and which could be adversely impacted by the Proposed Action.

**Letter #:** 129

**Response:** *The effects of the Proposed Action and its alternatives on 47 species of threatened, endangered, proposed, and Forest Service sensitive (TEPS) fish, amphibian, reptile, bird, mammal, and plant species were analyzed in the Biological Assessment/Biological Evaluation (BA/BE) for Forest-wide Travel Management Analysis (dated 8/26/99). Please refer to that document, which is on file in the project record, for discussion of effects to these species, determinations for TEPS*



*species, and the rationale for the determinations. The proposal is not a major construction project (50 CFR 404.02) and has been found not to be a significant impact. Therefore, the U.S. Fish and Wildlife Service need not be consulted for listed species (FSM 2671.45b). The project will be reviewed to see if formal or informal consultation is needed if proposed species are listed during implementation of the proposed project. A courtesy copy of the completed BA/BE, which contains the determinations and rationale for the determinations has been sent to the USFWS Wyoming Field Office in Cheyenne.*

<b>05j: Soil and Water Concerns</b>
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**Comment:**

- Does Ms. Dahl-Cox want me to believe that the effects to soil and water under Alternative 2, that allows for game retrieval (pg. 103) would be similar to those described under the Proposed Action, that restricts motorized vehicle use to designated routes (pg. 102)? By making this statement she is trying to convince me that a large number of people would get their game animals in the same area, would all be riding 4-wheelers and would all take the same route to their animal? I would have to call this one a leap. From reading the statements about Soil and Water and the effects common to the entire analysis area (pg. 101), I'd have to recommend you stop cattle and sheep grazing, and outfitters who trail in their guests over the same trail year after year. Cattle and sheep trample vegetation quickly and make deep trails in a single year and so do pack animals when the same trail is used over and over again, which they do. Why aren't these types of trails offensive to Ms. Dahl-Cox or has she addressed this type of damage in another document? Talk about trails which lead to erosion, I think if we stop and think for a minute we would all agree that cattle, sheep and horses do some serious damage.

**Letter #:** 43

**Response:** *This change has been incorporated in the final document. Impacts from grazing are handled in Range Environmental Assessments for allotments.*

**Comment:**

- The plan (even after stating how damaging off-road travel is) will do nothing for those ever crucial but highly fragile riparian areas.

**Letter #:** 56

**Response:** *The EA was developed to address the effects of off-road travel and the proliferation of future, user-created routes. By halting the creation of future, user-created routes, the Proposed Action, as well as the other action alternatives, will improve the condition of ``highly fragile riparian areas'' by not allowing off-route travel (beyond 300 feet off existing routes) to access them. While the DEA does not propose to close existing user-created routes, other than those that are causing unacceptable resource impacts, future site-specific analyses will address this concern.*

**Comment:**

- Under the Proposed Action and all Alternatives resource damage in terms of soil loss, siltation of water courses and vegetation loss will continue. Rutting of many existing roads during wet conditions is obviously contributing more surface erosion and siltation into water courses than all off-road travel. However, this is not addressed in the E.A. Closing existing travelways is not being done consistently during spring run-off.

**Letter #:** 101

**Response:** *The Purpose and Need, as well as the Proposed Action, were designed to deal with a specific problem known to adversely affect several resources. The alternatives compare various ways to respond to the specific problem being addressed. We agree that effective and consistently applied seasonal road closures can be used to reduce sediment delivery to streams. The Forest Service does implement these types of closures, giving consideration to the effect on forest visitors. However, analyzing whether implementing a policy of closing more roads seasonally would reduce sediment more than restricting travel off designated routes would not address the other adverse effects to resources that are occurring from travel off designated routes, which is the purpose of this analysis.*

**Comment:**

- I can find no documentation in the E.A. or Monitoring Reports of loss of soil exceeding the Forest Plan requirements. The E.A. states "...most water sources (streams, lakes, and riparian areas) on the Forest are in good condition." Yet the E.A. continually refers to damage to vegetation, soil, and water resources.

**Letter #:** 101

**Response:** *As stated in the DEA, most water sources on the Forest are in good condition. Exceptions exist in sensitive and easily accessible watersheds. Negative impacts include streambank disturbance, channel instability, shoreline disturbance, destroyed riparian vegetation, rutting of wet meadows, and increased sediment.*

<b>05k: Resource Damage as a Result of Off-road Motorized Use</b>
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**Comment:**

- The E.A. is not specific as to where off-road motorized travel is creating resource damage. How many acres are involved? Has it been mapped?

**Letter #:** 101

**Response:** *The intent of this analysis was to implement new Forest regulations to stop the proliferation of future, user-created routes. During Phase II (site-specific analyses) of this analysis, acres impacted by user-created routes will be disclosed.*

*The Forest Service has been inventorying all user-created routes, as well as Forest Service routes, over the last 3 years. During site-specific analyses, more detailed maps will be provided which will depict locations of user-created routes. More specific information regarding locations of sites where resource damage is occurring will also be provided.*

<b>05l: Recreation</b>
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**Comment:**

- The DEA claims there would be no "irreversible or irretrievable commitments of resources" associated with the Proposed Action or any of the action alternatives. See, e.g., DEA, page 75. At the same time, however, the DEA admits "user-created" roads and trails -- the same ones that would be added to the Forest Transportation System under the Proposed Action -- has eliminated the "primitive character" on parts of the Forest. DEA, page 67. This change in character does constitute an irreversible and irretrievable commitment of resources. Likewise, irreversible visual scarring and soil erosion from "user-created" roads and trails constitute irreversible and irretrievable commitments. These commitments should be disclosed in a revised draft NEPA document.

**Letter #:** 129

**Response:** *It is stated in numerous places in the DEA and associated specialist reports that the proposal does not involve the opening of any roads. Similarly, the Proposed Action does not propose adding "user-created" roads and trails to the system and therefore makes no commitment of resources to sites occupied by these impacts. Future NEPA analyses and decisions (Phase 2) will resolve their eventual status. The intent of this analysis is to implement new Forest regulations to stop the proliferation of future user-created routes. The Proposed Action does not affect past activities or the effects of past management practices. It would, however, change current direction by restricting cross-country travel with Off Highway Vehicles in the future. Therefore, the Proposed Action would hopefully eliminate future impacts resembling those which occurred in the past.*

**Comment:**

- The shortcomings of this plan are symptomatic of the Forest Service's approach to managing motorized recreation. The dramatic growth in motorized recreation during the last decade was not anticipated by the Forest Service and consequently the growth has occurred with little or no thought of its environmental impacts. New technology, such as lighter, more powerful and more dependable motorcycles, four wheel drive ATVs, and snowmobiles, has allowed motorized recreation to extend far back into the undeveloped roadless areas that contain much of the best wildlife habitat remaining on our public lands. This improved technology has led to a dramatic increase in ORV use on a trail system originally designed for foot and horse travel. Instead of thoroughly analyzing the effects of ORV use to determine where such use might be appropriate, the Forest Service has simply allowed advances in technology to go unchecked.

This approach has placed the Forest Service in the impossible position of reacting to damage from ORV use after it occurs and attempting to restrict ORV use after ORV users have become accustomed to unrestricted use and their user groups have become politically entrenched. While it is not too late to correct this problem, the current plan is not up to the task. It is only a band aid on a serious wound.

**Letter #'s:** 138, 167

**Response:** *Motorized recreation is recognized as a valid part of the Forest Service recreation program. Changing use patterns, population dynamics, new products, techniques, and technology have affected the kinds, amounts, and effects of recreational use of the National Forests in all areas, not only motorized recreation. The challenge the Forest Service faces is to determine the most appropriate blend of resource use on National Forest System lands, given the Nation's desires and the effects to the environment.*

#### **05m: Habitat Loss**

##### **Comment:**

- The discussion on the Effects Common to the Entire Analysis Area consists of a well referenced discussion pertaining to the effects of off-road travel on wildlife and habitat. However, the assessment should also include habitat loss through other Forest Service resource management practices such as timber harvest, grazing, etc.

**Letter #:** 111

**Response:** *The proposal neither involves the opening of any roads, nor does it involve the construction of any new roads or any vegetation treatments. A detailed analysis of all past Forest Service management actions is beyond the scope of this analysis. However, several of the analyses conducted for this proposal do directly or indirectly reflect past management activities. The first part of the Environmental Consequences section (DEA pages 51-56) describes several general effects, including existing travel restrictions by mountain range, existing access by mountain range, and a more detailed analysis of two representative areas for more site specific analysis. Existing travel restrictions reflect past travel management decisions that have been made for a variety of reasons including wilderness designation and consideration for other resource values (e.g., soil and water, non-motorized recreational experiences, wildlife habitat). Existing access, which includes open, closed, and obliterated roads and trails, reflects roads constructed for a variety of past management activities as well as historic and more recent user-created roads. The more detailed analysis depicts differences in the transportation system in two areas that fall under different management emphases. The analysis of the effects on wildlife (DEA pages 81-100) include analyses of elk security areas and elk habitat effectiveness. Both of these analyses reflect past vegetation management activities. The HABCAP model used to evaluate habitat effectiveness incorporates both roads and existing wildlife habitat structural stages into the analysis. Existing wildlife habitat structural stage information represents the*

*cumulative effects of natural processes as well as human-related management activities.*

**05n: Use of Representative Areas Is Inappropriate**

**Comment:**

- The FS uses representative areas for the environmental consequences of this action. The Medicine-Bow National Forest is a landscape with many unique features and two representative areas do not adequately depict the entire forest. The FS is moving as far away from the idea of site-specific analysis as is about possible. Pennock Mountain and Spring Creek ``consist of several sixth level watersheds that make up contiguous geographic areas representing a range of management emphases. Management activities, recreational opportunities, and user-created roads in the representative areas are similar to what can be found in other areas of the Forest" (pg. 54). This is a low-budget environmental consequences chapter with no site-specific information. Yet another reason that the FS should redo the analysis in the form of an EIS. CWI and WCC realize that this document is the first step in an analysis as is stated on pages 25, 29, and 33 but the FS is required to do a site specific analysis under NEPA. In addition, the addition of miles and miles of user-created trails to the transportation system is a major action and warrants a site-specific analysis.

**Letter #:** 167

**Response:** *As mentioned in the DEA, and as acknowledged by the Commentor, this proposal is referred to as Phase I of the long-term travel management strategy on the MBNF. Phase I does not involve opening any existing roads, nor does it involve any new road or other type of construction or any type of vegetation treatments. It simply is an attempt to bring off-road motorized traffic back onto existing "designated" roads and trails.*

*Future analyses conducted at a smaller geographic, more site-specific scale would be part of Phase II of the Forest's travel management effort. These analyses and decisions will address travel management considerations, such as road densities within watersheds or some other smaller geographic area, resource goals/requirements in these smaller areas, effects of roads on other resources, seasonal motorized use, opening or closing roads, and access needs. These Phase II analyses will be subject to additional public scoping and environmental analyses as required by law (NEPA). These Phase II analyses are expected to continue over the next five to seven years, and actually have been in progress (by default) for some time in conjunction with timber sale analyses in recent years.*

*During the extensive scoping and comment period that has occurred for this proposed project to date, concern has been expressed that the Forest Service has validated, and thus made a permanent decision to incorporate all of the user-created roads and trails into the Forest's transportation system. This is NOT the case. It is correct that the Forest has been inventorying these (as well as other existing) roads and trails for the last several years, and putting signed road numbers on them. It is also correct that these inventoried roads are being entered into the Forest's transportation system database. However, these roads are being*

*entered as "unclassified" roads and trails, which does not make them part of the permanent transportation system. It simply is a means and method to locate and track these roads. All "unclassified" roads and trails will receive further review under future Phase II analyses.*

*The reason this is being done is that the proposed Phase I decision is a large-scale programmatic effort at the Forest level. It simply is not practical, and perhaps not feasible, to conduct site specific analyses for all user-created roads and trails at this scale. It simply is not practical (or feasible) to conduct site-specific analyses on every Forest road between Douglas and Baggs. Signs with road numbers have been placed on many of these roads and trails in conjunction with inventory efforts, and in order to facilitate implementation of the proposed Phase I decision (assuming the No Action alternative is not selected), which would restrict traffic to "designated" roads and trails. A designated road or trail is one that is numbered and signed. In addition, some of the user-created roads and trails are historic two-track type roads that have been established for many decades, and are used in other Forest resource management activities (e.g., allotment management plans, recreation management). To analyze all of these user-created roads and trails, their origin, their effect on other resources, and their management usefulness needs to occur at smaller, more site-specific scales. Hence, for this reason, these analyses will be done within Phase II analyses.*

## **06: The Forest Service Should Analyze Alternative 5 in Detail**

### **Comments:**

- I support your proposal to restrict motorized vehicles to roads and trails that were created by the Forest Service. I feel that illegally pioneered roads and trails should be closed and abandoned because they represent initial abuse to the overall forest plan past and present...illegally pioneered roads and trails should be closed and revegetated. I encourage the Forest Service to select Alternative 5 - closing user-created routes and allowing travel by all vehicles on Forest Service routes.

**Letter #'s:** 03, 08, 35, 37, 50, 51, 76, 79, 85, 88, 99, 115, 116, 122, 125, 129, 147, 148, 153, 139, 152, 155, 161

- I urge the Service to restrict motorized vehicles to roads and trails that are currently part of the Transportation System. Illegally pioneered (i.e., "user-created") roads and trails must not be made legal. I urge the Service to select Alternative 5 - closing user-created routes, but allowing travel on Forest Service routes. Contrary to what it states in the Draft EA, this alternative would not be "too restrictive." Many thousands of miles of motorized travel would still be available to motorized traffic on the Bow.

**Letter #'s:** 04, 38, 39, 40, 54, 59, 64, 75, 78, 81, 87, 100, 104, 107, 108, 112, 122, 129, 132, 138, 139, 142, 143, 144, 149, 151, 154, 157, 158, 159, 161, 171, 172, 178

- Alternative 5 is my preferred plan considering the habitat destruction caused by ATVs. I hike and snowshoe the Medicine Bow and find the ATVs intolerable.

**Letter #:** 45

- We must not let roadways and trails created only for "user convenience" become part of our planned system of forest roads. It is difficult enough to find relatively undisturbed areas for quiet enjoyment...select and support Alt. # 5.

**Letter #'s:** 53, 89, 106

- I wish you would have concerned yourself with limiting motorized vehicles to actual USFS recognized and created roads. Is this really taking away from the personal freedom of the army of four-wheelers out there or is it limiting their method of attaining a personal freedom?

**Letter #:** 56

- I want to urge you good folks to opt for the most complete protection of the resource from off road use and especially the creation of any additional roads or paths by these off-road vehicle users. GASP!...Vehicles should be restricted to only roads that are official roads - deemed necessary. Certainly they should be excluded from any illegally made paths/roads/trails...Alternative 5 is the most responsible choice to preserve the legacy that will be honored in the future. Less protection will be lamented by future users. Leave a heritage that is as natural and protective as possible.

**Letter #'s:** 114, 130

- I have a very low opinion of the so called ORV's and the people who mostly misuse them on public lands. I think it is very wrong to allow illegally pioneered roads to be given status and allow their continued use. If they want to tear up and down the couple of thousand miles of roads like any other licensed vehicle driver fine. Keep them out of the roadless areas and do not allow any more so called pioneered roads. The Alternative 5 is not restrictive enough but better than what you have now.

**Letter #'s:** 74, 117

- The only alternative which appears to be fully consistent with the applicable laws, regulations, and policies, is Alternative 5. Alternative 5 is the only alternative which is fully consistent with the applicable laws, regulations and policies. In fact, it is the only alternative mentioned that meets the legal requirements. Moreover, Alternative 5 is the option which most closely meets the stated "purpose and need" stated in the DEA (pages 10-11) and best addresses the significant issues raised during scoping (DEA, pages 14-15). Accordingly, Alternative 5 should have been analyzed in detail and ultimately chosen as the USFS's Proposed Action. Indeed, the best way to "Improve wildlife habitat effectiveness," "Minimize conflicts with private landowners," "Reduce damage to the land," and "Minimize increasing conflicts" is to halt use of illegally created roads and trails, keep ORV's on designated USFS-constructed roads, and keep ORVs out of non-motorized areas (those few that are left). ALL of the other alternatives would be less effective than Alternative 5 in meeting each of these stated "needs."

Despite the many virtues of Alternative 5, the Forest Service refused to seriously consider this as a travel management option. The agency's reason: this alternative "would be too

restrictive." DEA, page 25. And why would it be too restrictive? According to the DEA, Alternative 5 is too restrictive solely because "motorized trail opportunities would have been eliminated on the Laramie District." This is ridiculous.

**Letter #'s:** 14, 80, 96, 118, 129, 133, 134, 138, 141, 145

- Alternative 5 needs to be evaluated as a full alternative. I question why the Med Bow NF decided not to use the highly effective approach used in the recent Parks-Yampa TMP in which ecological, safety, visual, and other impacts of user-created routes were analyzed as a basis for designation of system routes, rather than allowing user-created routes to become permanently established through continued use before they were formally evaluated for addition to the travel system. The support of Region 2 for the Parks-Yampa approach to non-system routes is evident in the appeals record of the Parks-Yampa TMP.

**Letter #:** 134

- The Forest Service is currently undergoing a thorough analysis of its road system and has initiated an 18-month moratorium on road construction. The Service has acknowledged how severely underbudgeted road maintenance is for the National Forest Road System and has indicated an intent to improve management of roads across National Forest Lands. Now is the time to curtail this "development" and use of user-created roads and trails in the Medicine Bow...The Institute strongly urges the Forest Service to adopt Alternative 5. The extensive road system that is currently part of the transportation system provides more than enough vehicular access to and through the Medicine Bow National Forest.

**Letter #:** 145

**Response:** *Alternative 5 was eliminated, in part, because this proposal dealt specifically with off-route travel and not site-specific route closures. Alternative 5 implies that two-track roads are not important to fulfill our mission. Without further analysis, we are not sure that this is the case. Alternative 5 would have eliminated that "low end" travel experiences in a very arbitrary manner and without site-specific analysis.*

*Please also see the response to Comment Category 05n.*

<b>06a: The Forest Service Should Prepare an EIS if User-created Roads are Added to the Transportation System</b>
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**Comments:**

- Unless you go forward with a new preferred alternative to close and obliterate all user-created roads and restrict all ORV use to <100 feet of existing roads, I am asking that you complete a full EIS and rewrite the alternatives so that all alternatives will decrease the severe adverse effects of roads that your agency failed to adequately analyze in this EA.

**Letter #:** 02



- If, after reading public comments, the USFS still wishes to add illegally pioneered roads and trails to the Forest Transportation System, please prepare a full EIS to assess all impacts that have and will occur from the addition of these roads and trails to the Forest Transportation System.

**Letter #'s:** 10, 11, 14, 15, 36, 38, 39, 44, 54, 59, 77, 78, 84, 88, 98, 104, 107, 108, 112, 114, 120, 122, 132, 136, 140, 142, 149, 154, 156, 155, 157, 158, 160, 167, 170

- If, after reviewing public comments on this proposal, the USFS believes it is still appropriate to add ``user-created" roads to the MBNF Transportation System, we request that the following information be included in the administrative record:

- 1) A thorough analysis of each segment of ``user-created" road or trail to determine its direct, indirect, and cumulative effects on such things as: wildlife and wildlife habitat, soils, slope conditions, erosion, water quality, hydrology, visual quality, and recreation;
- 2) A demonstration that each segment of ``user-created" road or trail, proposed for addition to the MBNF Transportation System, meets the NFMA standards of public safety and minimum environmental impacts;
- 3) An analysis of each ``user-created" road and trail to determine the ``need" to add it to the permanent Forest transportation system; and
- 4) For each ``user-created" road and trails which has a demonstrable ``need," an evaluation of existing USFS-created roads and trails in the same vicinity to determine whether any existing USFS routes may already meet the purported ``need."

The public should also be allowed to comment on these analyses in accordance with NEPA and NFMA regulations. We believe that if such evaluations are conducted, the agency will find that most, if not all, of the ``user-created" roads have no discernible need (that is not being met by a nearby USFS-road) and should therefore be closed and revegetated as required by 16 USC 1608(b).

**Letter #:** 129

- **An Environmental Impact Statement must be prepared if the USFS intends to add user-created travelways to the Forest Transportation System or adopt the 300-foot off-road travel exemption.** It is clear the Proposed Action is also a major federal action in the context of NEPA. For such actions, the USFS must prepare an Environmental Impact Statement if the action could pose a directly, indirectly, or cumulatively significant impact on the environment. The DEA admits there are already ``unacceptable" impacts being caused by ORVs and ``user-created" roads and trails on the Forest. DEA, page 34. We believe ``unacceptable" impacts are also ``significant" impacts under NEPA. The DEA documents numerous other kinds of significant and potentially significant impacts associated with ORV damage and ``user-created" roads and trails on the Forest. Accordingly, the USFS should prepare a full EIS on this proposal...When CEQ ``significance" criteria are applied to the Proposed Action, it is also clear an EIS is needed.

**Letter #'s:** 129, 134, 167

- **An EIS would do a better job of assessing and disclosing all direct, indirect, and cumulative impacts of the Proposed Action and the alternatives.** The DEA hints at

some of the significant and potentially significant impacts associated with on-going ORV use and ``user-created" roads and trails on the Forest. Unfortunately, there are many kinds of impacts the DEA does not adequately evaluate.

Most conspicuous is the absence in the DEA of any site-specific analysis of the impacts that would result from opening ``user-created" roads and trails to full motorized use. The DEA mentions some of the impacts that have occurred from some illegally-created roads and trails, but this does not constitute a road-by-road, trail-by-trail impact assessment. For any ``user-created" road or trail the USFS is proposing to open, such an assessment is needed and required by 36 CFR Part 295 and the Forest Plan.

**Letter #'s:** 129, 138

- The position of the Institute on ORVs is that they [ORVs] should be permitted to use all national forest roads that all other vehicles use. If special roads are to be designated for ORV use, they should be so designated only under a comprehensive transportation and road management planning process that includes environmental analysis and public input. This should not occur while there is a moratorium on new road construction.

**Letter #:** 145

**Response:** *As stated in the DEA, the Forest Service will be conducting future, site-specific travel management analyses to determine the fate of user-created routes. The EA also states that we are not proposing to open any existing roads or trails through this analysis. All user-created routes are currently ``open" for use only because we have not yet had an opportunity to complete site-specific travel management analyses to determine their fate. Since they are already open, selection of any alternative analyzed in the Forest-wide Travel Management Environmental Assessment would not ``open" user-created roads and trails. The site-specific analyses will address individual effects associated with user-created routes; therefore, it was not felt that the preparation of an EIS was necessary for this analysis.*

*Although user-created routes were inventoried for this analysis, they are being entered into our database as ``unclassified" until the site-specific travel management analyses can be completed. Adding them to the database is very different from actually adding them to the Forest Transportation System. Priority areas for site-specific travel management analyses are identified on page 29 of the DEA.*

<b>06b: The Forest Service Should Close User-created Routes and Open Them Only After Site-Specific Analyses Have Been Completed</b>
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**Comments:**

- I am aware that, while these user-created routes would remain open to motorized travel for the time being under the proposal, some could be closed in the future after "site-specific analyses." Since the Forest Service has found option 5, which would close user-created roads to motorized travel, too restrictive, maybe a better option would be to close

them for the time being and re-open them to motorized travel only if it is determined through the site-specific analyses that they are safe and will not cause further environmental damage.

**Letter #'s:** 17, 24, 31, 74, 113, 129, 167

- **Before Any ``User-created" Road or Trail is Designated ``Open" and Considered for Addition to the Forest Transportation System, the USFS Must Conduct a Site-specific Analysis in Accordance USFS Regulations.** When the USFS is proposing to add a new open road to the Transportation System, the MBNF Forest Plan requires the agency to produce a ``documented analysis" to show:
  - a. Use of the road does not adversely impact other resources;
  - b. Use of the road is compatible with the ROS class established for the area;
  - c. The road is located in areas open to motorized use;
  - d. The road provides user safety;
  - e. The road serves an identified public need;
  - f. The area accessed can be adequately managed;
  - g. Financing is available for maintenance of the road or coop-maintenance can be arranged.

MBNF Plan, page III-77 (emphasis added); see also, MBNF Plan, page III-78. Such an analysis is also required under 36 CFR Part 295 and Forest Service Manual 2355.03(6).

**Letter #:** 129

- The USFS is apparently intending to classify each ``user-created" road and trail as ``open" now, and then do site-specific analyses on each road some time in the future to determine whether each particular road or trail should be closed. This is backwards, and it is inconsistent with the Forest Plan, 36 CFR Part 295, and the FSM regulations. It is also irresponsible land management to allow continued use of illegally created roads and trails -- knowing many of them are unsafe and causing significant and even unacceptable impacts (DEA, page 32) -- before this crucial analysis is conducted. It could take the USFS agency many years, perhaps even decades, to fully analyze and evaluate every ``user-created" road and trail on the Forest. We believe that if a proper site-specific analysis is done on each ``user-created" road and trail, the USFS will find that most -- if not all of them -- need to be closed and reclaimed.

For all of the foregoing reasons, we strongly oppose any USFS proposal to classify ``user-created" roads and trails as ``open" or add them to the Forest Transportation System. To comply with the law and to protect Forest resources, the agency should immediately declare all ``user-created" roads and trails ``closed" to motorized use and then take prompt action to reclaim and revegetate those routes. If the USFS believes there is a need to create a new road or trail on any part of the Forest, the agency can perform the site-specific evaluations required by the Forest Plan and propose to create the new road or trail through the public NEPA process.

**Letter #:** 129

- The only approach that has any chance of successfully managing ORV use is to follow the example of the Forest Service's current road building moratorium. The Forest Service needs to call a time out to give itself a chance to get a firm grasp of the problems

associated with ORV use while stopping further damage. All motorized recreation must be restricted to those areas for which there has already been a site specific, trail by trail, NEPA analysis. Allowing continued motorized use of all existing trails or designated trails until the Forest Service can fully analyze the issue will allow the damage to continue and the Forest Service will never be able to catch up.

**Letter #:** 138

**Response:** *The suggestion that we immediately close user-created routes ignores the reality that they may meet a real need. A systematic approach to inventory them and specific decisions regarding their status makes better management sense. ``Prompt action to close or revegetate'' these routes may sound appealing, but it carries the potential for the unwise expenditure of monies in the event that some of these travelways are useful or desirable.*

*Our present road-building moratorium in roadless areas is far easier to enforce than to somehow stop, by decree, the often evolutionary creation of user-created routes. These routes often develop over a period of years in such a subtle way that both the route users and the Forest Service are not aware of it.*

<b>06c: Concerns About Future User-created Routes</b>
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**Comments:**

- My only concern is that more user-made roads will be created during the period between the present and the time the Travel Management plan goes into effect. It will certainly help if everyone clearly understands that such roads will be off limits and not included in the inventory.

**Letter #:** 25

- If the USFS added illegally created ORV trails to the Forest Transportation System, the agency would be rewarding irresponsible and unlawful behavior; irresponsible ORV users would create more illegal routes in the future, knowing that the USFS would some day declare those routes legal too.

**Letter #'s:** 35, 59, 85, 112, 132, 138, 157, 159, 167

- Another problem with the proposed 300-foot ORV exemption is that it would lead to the creation of new ``user-created'' roads and trails within the buffer zones on either side of each designated route. How would the USFS prevent this? Would ORV users think that if they created new ORV trails paralleling the ``designated'' ones, but say 300 feet away, that the new routes would eventually be added to the Transportation System to? Would this then lead to a gradual ``migration'' and expansion of the area open to ORV use? We think these are reasonably foreseeable consequences of the Proposed Action, yet the DEA does not really analyze them.

**Letter #'s:** 129, 147, 149, 157

**Response:** *All motorized roads and trails, including user-created roads and trails, are being or have been inventoried in order to verify and update our database. Currently, user-created roads and trails are being entered into the database as ``unclassified." The Decision Notice ``locks in" the current inventory, and any user-created routes discovered after this time will be closed until a site-specific analysis can be completed. During the site-specific analyses, all Forest Development roads and trails and user-created roads and trails will be analyzed and decisions regarding their fate will be made.*

<b>06d: The Proposed Action Condones Criminal Activity and Resource Damage</b>
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**Comments:**

- It is really amazing that the Forest-wide travel management Plan Draft EA seeks to encourage the kinds of irresponsible ORV behavior we have seen. If ORV users create illegal roads and trails why on earth would you reward this behavior by making these trials part of the designated roads and trails? Would you really want people like myself who drive a truck to make any gash or track or damage anywhere I please in the NF? Why should we hike on designated trails?

**Letter #'s:** 05, 24, 36, 44, 77, 89, 94, 99, 151

- I am concerned that the Forest Service is proposing a travel policy that will legalize \*illegally\* created roads in its Travel Management Plan for the Medicine Bow. As you know, ORV's cause considerable damage to soils and vegetation. To designate "user-created" roads as an official route for ORV's is condoning criminal activity, nothing less..."user-created" roads do not conform to standards about soils, water quality, etc. that apply to FS roads. Thus, if the FS legalizes these roads, it will be abdicating even the appearance of a commitment to proper stewardship.

**Letter #'s:** 35, 38, 39, 50, 74, 89, 98, 104, 108, 129, 142, 158, 167

- ``User-created" roads and trails were never designed for safety or to protect soils, water quality, visual quality, vegetation, non-motorized recreation, or wildlife habitat; they were created to take short-cuts through the Forest, reach inaccessible places (e.g., roadless areas), and test ORV skills (e.g., stream and bog crossings, steep hill climbs, etc.); they are causing significant resource problems and do not meet legal standards necessary to become part of the Transportation System. If the ``user-created" ORV roads and trails are added to the Transportation System, they would be used even more heavily; thus, their impacts (e.g., visual scars, soil damage, etc.) would become even worse.

**Letter #'s:** 09, 17, 21, 59, 93, 112, 113, 115, 132, 139, 145, 146, 148, 149, 154, 157, 161, 168

- Acceptance of illegally created and user-created roads and trails into FTS is contrary to the intent and spirit of the new National Forest Roads Policy. You are also condoning the kind of unlawful behavior that has irreparably altered the natural forest environment, and you will interdict past and ongoing management efforts to adequately protect and manage renewable forest products. By allowing continued use of illegally created roads you will

jeopardize wildlife, especially big game species, and wildlife habitat as well. 4-Wheel RV's and snow machines have unprecedented access to sensitive and vulnerable forest terrain which must be protected. The USFS cannot now maintain all the roads it has and lack of maintenance will accelerate erosion and result in destruction of vegetative cover. I urge you close and re-vegetate all illegally constructed roads and trails, as required by Law.

**Letter #'s:** 54, 75, 80, 81, 122, 138

- **“User-created” roads and trails do NOT meet the minimum legal standards required to become part of the Forest Transportation System.** According to Section 8 of the Forest and Rangeland Renewable Resources Planning Act (RPA): “the installation of a proper system of transportation...shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis...” 16 USC 1608(a). Congress reemphasized the importance of proper road design by amending the RPA with Section 8(c) of the National Forest Management Act (NFMA): “Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.” 16 USC 1608(c). This requirement applies to all roads constructed on National Forest System lands. In short, Congress has explicitly instructed that the National Forest transportation system be comprised only of roads that have been properly designed for economical upkeep, safe use, and minimum environmental impacts. However, in the DEA the USFS admits that the “user-created” roads on the MBNF were “not designed for safe public travel or resource protection.” Nor were they designed with “cost” considerations in mind...The “user-created” roads do not meet the minimum legal requirements to become additions to the Forest Transportation System. For this reason, we believe it would violate the RPA and NFMA for the USFS to add any of the “user-created” roads to the NFS Transportation System.

**Letter #:** 129

- **“User-created” roads and trails were developed illegally and should therefore be obliterated to send a message to irresponsible ORV users that such conduct will not be tolerated on public lands.** According to the Forest Service's own resource protection regulations:

“The following are prohibited: (a) Constructing, placing, or maintaining any kind of road, trail, structure,...or other improvement on National Forest System land...without a special-use authorization, contract, or approved operating plan.” 36 CFR 261.10(a).

No special-use authorization, contract, plan, or permit has been issued for the construction of “user-created” roads and trails on the MBNF. Nor has any such authorization been given for the maintenance of these “user-created” roads and trails (e.g., repeated use, trimming of vegetation). Thus, all of the “user-created” roads and trails on the Forest have been illegally constructed and are being illegally maintained through continued use.

**Letter #:** 129

- With more and more illegal roads and trails are being constructed, and with more and more ATVs and ORVs being sold each year, a pressing question must be asked: Just what is the Forest Service going to do to discourage the unlawful development of "user-created" roads and trails in the future?

**Letter #:** 129

- The EA continually states that nothing will be opened or closed, but by adding user-created routes to the transportation system the FS is opening user-created, ILLEGAL routes to legal use. The EA and the proposed action will open to motorized use every single route that exists on the Forest. The proposed action would add a large number of routes and increase the miles of routes. The FS, as stated in the EA, made an effort to have the public help in the inventory of illegal user-created routes. This went so far as having the public point out on maps where the routes are so that they can be inventoried and now OPENED! The FS has allowed anyone to choose his or her favorite illegal, unauthorized and user-created routes to be included within the transportation system. This constitutes an opening of roads yet there is no analysis done regarding the closing of roads.

**Letter #:** 167

**Response:** *The Proposed Action requires that the existing travelways, both inventoried and noninventoried, be assessed. This is a far cry from "legitimizing illegal activity." However, it is reasonable to assume that some of the user-created routes will be candidates for closure and rehabilitation. Whether or not such routes conform to Forest Service standards, or engender unacceptable environmental effects, should not be prejudged.*

<b>06e: Adding User-created Routes to the Forest Transportation System Violates 36 CFR Part 295</b>
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**Comment:**

- **Adding "User-created" roads to the transportation system would be contrary to 36 CFR Part 295.** The regulations at 36 CFR § 295.2(a) require the USFS to:

"analyze and evaluate current and potential impacts arising from operation of specific vehicle types on soil, water, vegetation, fish and wildlife, forest visitors and cultural and historic resources. If the analysis indicates that the use of one or more vehicle types off roads will cause considerable adverse effects on the resources or other forest visitors, use of the affected areas and trails by the vehicle type or types likely to cause such adverse effects will be restricted or prohibited until such time as the adverse effects can be eliminated as provided in 36 CFR Part 261."

Again, the USFS is proposing to do just the opposite: to classify all "user-created" roads and trails as "open" -- knowing many of them are causing impacts to soils, water, vegetation, fish and wildlife, forest visitors and cultural and historic resource -- until such time as the agency may conduct analysis on particular road and trail segments. This is completely at odds with 36 CFR § 295.2(a). A "user-created" road or trail, by definition,

is a violation of 36 CFR Part 261 and therefore should be closed immediately and action taken to fix the scars. Should the USFS later determine a road or trail is needed in the same area, the agency can decide the best route (i.e., posing the least impacts, the least disruption, the least conflicts, etc.) and proposed to add that road or trail to the Forest Transportation System in accordance with NEPA.

**Letter #'s:** 112, 129, 167

- The proposed action, because user created routes will be added to the system, is not aimed at resource protection, public safety, minimizing user conflicts and providing for diverse uses as part 295.2(b) states that it must. The Forest Service must consider an alternative that does not add user created routes to the system. This could be a restoration alternative or by analyzing alternative five. If this is not done, the FS will be in violation of 36 CFR part 295.2(b).

**Letter #'s:** 112, 167

**Response:** *This matter was addressed in the DEA (see page 25) as an "Alternative Eliminated From Detailed Study." The rationale for eliminating this alternative was given as: 1) The blanket condemnation of user-created routes is unduly restrictive and not feasible based on experiences that other National Forests have had when attempting to combine a programmatic decision to eliminate off-route travel Forest-wide with site-specific decisions on all user-created routes; and 2) It would run counter to the planned site-specific analyses which are validated in all of the alternatives described in the DEA. The rationale has been expanded upon in the final EA (see EA pages 26 and 28).*

**Comment:**

- The USFS's Proposed Action is also contrary to the regulations at 36 CFR § 295.2(b) which mandate that "Off-road vehicle management plans shall provide vehicle management direction aimed at resource protection, public safety of all users, minimizing conflicts among users, and provide for diverse use and benefits of the National Forest." These regulations specifically require that motorized vehicle trails and areas open to off-road vehicle use:
  - (1) shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands,
  - (2) shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats,
  - (3) shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors,
  - (4) shall not be located in officially designated Wilderness Areas or Primitive Areas.

36 CFR § 295.2(b) (emphasis added). By the agency's own admission (in statements made throughout the DEA), the "user-created" roads and trails were not "located" in accordance with these requirements; they were created to access inaccessible locations, to test ORV performance and skills, and to take short-cuts across the Forest. The USFS,



therefore, cannot add "user-created" roads or trails to the Forest Transportation System without violating 36 CFR § 295.2(b).

**Letter #'s:** 129, 167

**Response:** *User-created routes are not being "added" to the system; therefore, we are not violating 36 CFR 295.2(b). The user-created routes are currently being used legally. Over the next year, our objective is to complete the inventory of all drivable roads and trails and add them to our database as "unclassified." This information will be used during site-specific travel management analyses (see EA page 29) to make decisions about whether or not to close, open, or obliterate roads or to develop additional motorized opportunities across the Forest. As previously indicated, the only decision will be making through this particular analysis is whether or not to restrict future off-road vehicular use on roughly 762,670 acres, or 70 percent of the Forest.*

*In the interim, prior to the completion of the site-specific analyses, if monitoring indicates needed road closures this can be accomplished through a Supervisor's Order under 36 CFR Part 261. Designations, use restrictions, and operating conditions will be revised as needed to meet changing conditions.*

*Please also see the response to Comment Category 05n.*

#### **07: Concerns About Road/Trail Closures**

##### **Comments:**

- I am upset that the USFS is considering the closing of roads and ATV trails in the Medicine Bow National Forest, Laramie Peak unit. The closing of these roads and trails may be very detrimental to the financial well being of Grasslands Outfitting especially when considering the possible curtailing or closing of prairie dog hunting.

**Letter #'s:** 06, 07

- I am against the closure of any roads because of a fear of over population on fairly hidden trails.

**Letter #:** 20

**Response:** *As stated in several places in the DEA, we are not proposing to open any roads or trails as a result of this analysis, and only those roads that are causing unacceptable resource impacts would be closed immediately. The only decision that would be made through this analysis is whether or not to restrict future off-route vehicular use. Decisions to open or close individual roads and trails, or to develop additional motorized opportunities, would be done through separate analyses and only after further public discussion and disclosure.*

##### **Comment:**

- One of the things I'm afraid of with the Proposed Action is that in time someone, maybe not you will continue to shut down more roads. I know what the document says about this Proposed Action and the fact it will not close any more roads in and by itself but let's be realistic, for somebody the next step will be to close more roads.

**Letter #'s:** 33, 43, 128, 162

**Response:** *To be realistic, your concerns are valid. To assume that a great proportion of user-created routes will be consistent with good resource management and transportation system needs is questionable. That is why the Proposed Action calls for site-specific assessments of all user-created routes. This approach attempts to be fair to both those who feel that a blanket closure of such travelways is called for and those who feel that all of them should exist.*

**Comment:**

- You would eliminate much of the need people feel to make user built roads by leaving the old logging roads open, many of which are now gated. The gates need to be used part of the year, elk calving, soft Spring roads [Why don't you close Happy Jack during the Spring?].

**Letter #'s:** 71, 119

**Response:** *The Proposed Action attempts to strike a balance between those who desire more motorized recreational experiences with those who value solitude as part of their natural experience. Both uses should expect to give up, as well as gain, as part of the compromise.*

**Comment:**

- It is my honest opinion that the roads passing through Libby Flats should be closed to all motorized vehicle traffic. The roads are detrimental in themselves to this high elevation area and I have witnessed on many occasions increased erosion and vegetation damage as a result of vehicle traffic.

**Letter #:** 104

**Response:** *As stated on page 29 of the DEA, we are planning to complete site-specific travel management analyses across the entire Forest once the decision is made regarding whether or not to restrict future off-route vehicular travel. During the site-specific analyses, decisions to open or close individual roads and trails, or to develop additional motorized opportunities, would be made. Although Libby Flats is not included in the list of "priority areas" (see DEA page 29), a site-specific travel analysis will be completed for that area some time in the future.*

**08: Supports Alternative 3; Against the 300 Foot Buffer**

**Comments:**

- I believe the 300' rule may cause problems, due to uncontrolled wandering. Four wheel ATV's are typically ridden in a circular, or repetitive, fashion, and are ridden continuously through the weekend, or as long as the family RV is parked up there. This random riding around the camp site and surrounding woods creates much more erosion than linear road or trail riding. Allowing unlimited riding within 300' of any road will make this problem worse and will create a more obvious impact immediately adjacent to camping areas.

**Letter #'s:** 13, 26, 130

- In the way of enforcement, you make the statement that the 100 foot buffer zone would be harder to enforce than the 300 foot buffer zone, and even more expensive than other alternatives to educate the recreationists. I do not see it that way. You lose visibility in the Snowies quite often well before 300 feet. Again this is why I'm still confused as to why you just didn't make a no-off-roading regulation.

**Letter #'s:** 50, 56, 116

- **The proposed 300-foot off-road travel exemption should not be adopted because it will be unenforceable and allow additional significant resource damage.** Another aspect of the USFS's Proposed Action we strongly oppose is the proposal to allow ORV use anywhere within 300 feet of a designated road or trail. Given the large number of roads on the Forest already, this would mean almost every acre of the MBNF would be open to ORVs. New roads and trails would be pioneered in the 300-foot buffers on either side of existing roads. As a result it would be virtually impossible to find areas away from motorized vehicles and their scars on the Forest. We feel the USFS would not be able to enforce this provision because it would be hard to tell if an ORV is 350 feet away from a designated route or only 300 feet.

"It is prohibited to operate any vehicle off forest development, state, or county roads ... in a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources."

36 CFR § 261.13(h). Since ORV use has already cause significant and unreasonable damage to land, wildlife, and vegetation resources on the MBNF, what makes the USFS believe allowing ORV use within 300-feet of "designated routes" would prevent this kind of damage from continuing to occur? Actually, we believe it is likely that establishing the 300-foot ORV exemption would concentrate off-road use in those zones and lead to even greater levels of resource damage. While this may help protect some areas from off-road vehicle damage, it may result in ORV "sacrifice" zones where damage would increase over present levels. This would be contrary to 36 CFR § 261.13(h).

**Letter #'s:** 17, 35, 42, 59, 78, 115, 129, 132, 142, 154

- The USFS regulations at 36 CFR § 261.9 also declare that the following are also prohibited on National Forest lands:

(a) damaging any natural feature or other property of the United States...";

(c) Damaging any plant that is classified as a threatened, endangered, sensitive, rare, or unique species...";

(g) Digging in, excavating, disturbing, injuring, destroying, or in any way damaging any prehistoric, historic, or archaeological resource, structure, site, artifact, or property."

The proposed 300-foot ORV exemption will not ensure compliance with these restrictions. Vehicles traveling off of ``designated" roads and trails will still damage trees and ground vegetation, will still damage soils, will still damage sensitive plant species such as the Clustered Lady's Slipper, and will still result in damage to historic and archeological resources. While the DEA indicates the Proposed Action would provide ``greater protection" for NFS resources than the current situation affords (see, e.g., DEA, page 104), the Proposed Action does not -- and cannot -- assure these resources will be fully protected from off-road vehicle damage as required by 36 CFR § 261.9. Thus, the proposed 300-foot ORV exemption is contrary to USFS regulations. The only alternative which would ensure full compliance with the prohibitions established in 36 CFR Part 261 is Alternative 5 -- an option the USFS refused to consider in the DEA.

**Letter #:** 129

- The proposed exceptions for travel up to 300 ft. off designated routes for game retrieval, camping, etc. are unacceptable. There is no reason to make a special exception for ORVs to travel cross country when highway vehicles are not allowed to travel cross country for the same purposes. The damage caused by cross-country travel is not lessened by the fact that someone is retrieving game or camping. In fact, an exception for cross-country travel for game retrieval would allow motor vehicles to shatter the effectiveness of elk security habitat at the time of year when it is most crucial.

**Letter #'s:** 18, 24, 25, 54, 64, 66, 91, 104, 112, 130, 138, 141, 179

- We recommend that the Medicine Bow National Forest select Alternative 3; Reduce Off-road Travel Restriction from 300 Feet to 100 Feet. Among the alternatives offered, this alternative offers the best protection for cultural resources.

**Letter #:** 165

- The 300-foot zone on the side of each designated route in which motorized travel is allowed will only make the problem worse. The proposed action states that ``Motorized travel up to 300-feet off of designated routes could occur for such activities as firewood gathering, dispersed camping, game retrieval, picnicking, etc." This zone in which motorized use could go off of existing routes would result in even more user-created routes. The EA states on page 37, that there is an ``estimated 5025 dispersed picnic and campsites located throughout the Forest." These dispersed camping and picnicking sites have been developed ``by different user groups based on their accessibility and the experiences they are seeking." The creation of such sites is driven by the same motivation as more user-created routes and that is to satisfy a group's needs rather than analyzing the impacts to other forest resources such as watershed and soils. The FS has not adequately addressed this issue.

This 300-foot zone was not even considered in the cumulative effects section when the increased number of user-created routes and camping areas as a result of this zone is a large impact. The FS should instead designate dispersed camping locations or should

limit the zone to 50 to 100 feet. 300 feet is a huge amount of area, which will account for thousands of acres. This must undergo further analysis.

**Letter #:** 167

**Response:** *The original purpose for the 300 feet off designated routes allowance was to allow vehicles to legally leave the running surface of the road to camp and park near the road. It was never intended to allow general travel within this band. Without such an exception, vehicles would be required to remain on the road prism and dispersed camping, and even parking to allow dispersed recreation, would be difficult. However, given the wording of the exemption, off road travel within the 300 feet cannot be curtailed. The DEA reviewed the need, on a programmatic basis, to either maintain or change the current 300 foot exemption through the alternatives that were analyzed.*

<b>08a: Opposes Giving 300 Feet on Each Side of User-created Routes</b>
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**Comment:**

- I also oppose giving 300 feet on each side of all these [user-created] trails to use by vehicles. If such widespread intensive use is proposed, a full EIS should be required.

**Letter #:** 09

**Response:** *The 300 foot allowance would continue the current management practice which is designed to allow vehicles and their drivers to legally leave the running surface of the road to camp and park. It was never intended to allow general travel within this band. Without such an exception, vehicles would be required to remain on the road prism and dispersed camping, and even parking to allow dispersed recreation, would be difficult. It has been permitted for numerous years for safety, as well as convenience, and no change or significant effect to the human environment is anticipated with its continuance.*

<b>08b: The 300 Foot Buffer Would Be Unenforceable</b>
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**Comment:**

- Allowing off-road vehicle use anywhere within 300 feet of a designated road or trail means there will be lots of places where the designated road or trail becomes 600 feet wide - and wider as the buffer zone becomes indistinguishable from the designated road or trail.

**Letter #'s:** 129, 145, 159

**Response:** *There is the potential that a 300 foot buffer will create a problem if the buffer is allowed to be extended. However, prevention, education and dedicated enforcement will be the key to ensuring the 300 foot buffer is maintained. The Forest Service must adopt, and the public must accept a zero tolerance policy for violations of any buffer policy which is established under the selected alternative.*

## **09: Discrimination**

### **09a: The Proposed Action Discriminates Against Forest Users**

#### **Comment:**

- I must protest any reduction of road mileage within the Medicine Bow National Forest...the reason being the obvious discrimination against those who are mobility impaired, aged, infirm, or otherwise unable to walk or afford horseback travel into roadless or wilderness areas. Closures of existing roads or trails to motorized or wheeled vehicles would and has made access into the effected [sic] areas extremely difficult for those affected and may in fact be in violation of the Americans with Disabilities Act.

**Letter #:** 07

- I also believe that our handicapped neighbors should have the opportunity to enjoy Wyoming's outdoor bounty and should be allowed to use ATVs to reach areas where they have a chance of harvesting wild game...anyone wishing to use an ATV due to a handicap could apply for a permit through the forest office in Laramie and carry it with them during the season.

**Letter #:** 27

- My first concern and perhaps the most important one has to do with discrimination of those who have physical limitations or the elderly who presently use the forest, as well as all of us who in the future will become elderly, who would like to continue to use the forests as we have in the past. The EA will require the people who use these areas to change our life-style and it will require use to abandon our present vehicles and will require us to purchase the very same vehicles that this proposal is trying to limit, the ATV...I don't believe this proposed plan is fair to those of us who do not have ATV's, but have OHV's to use our Forests.

**Letter #'s:** 12, 16, 23, 28, 48, 63, 86, 102, 109, 131, 150, 173, 174

- My next concern is with the hunting and the game retrieval parts of the EA. This again is discriminating against the same group of people as I state above (elderly, physically limited, future elderly), but this I feel also gives an extra advantage to the guides and outfitters who use horses and/or ATV's.

**Letter #'s:** 28, 46, 90

- While we support the proposed action, we continue to be concerned about handicapped access in spite of the extensive system of both classified and unclassified roads and trails in the Medicine Bow Forest. We recommend some type of special permit program be put in place that is consistent with Americans with Disabilities Act provisions.

**Letter #:** 163

**Response:** *Reducing the existing road mileage may be indicated if a balance is to be struck between the desires of all concerned. Road closures for well-considered reasons are not typically heralded as incompliant with the Americans with Disabilities Act.*

*It is perhaps disingenuous to accept that every technological advancement in transportation (such as the development of more effective ORVs) must be accommodated on public lands if the disabled are to be fairly treated. Balance between all public needs is the best objective. However, as identified in the Decision Notice for the Forest-wide Travel Management EA, the Forest Service is planning to allow persons holding a valid permit for ``Hunters with Qualifying Disabilities'' (as issued by the Wyoming Game and Fish Department) to use a motorized vehicle to retrieve downed game. This compromise should, in part, address the issue of discrimination.*

#### **09b: The Proposed Action is Not Discriminatory**

**Comment:**

- There really is no argument for the handicapped and elderly. They have plenty of opportunities to sit along clear cuts and old logging roads in order to hunt game. You are providing them with the only opportunities they can have. These people are not harvesting the majority of elk in the MBNF. Let them have hardship tags, cow tags, or very early or late season tags when no one else would be hunting. To give these people an extra 100 or 300 feet access with ATVs off of the road, will not make a difference in their hunting opportunity or success, but it will produce a negative impact on non-motorized hunters' experiences.

**Letter #:** 56

- Studies and polls consistently show that ORV use on our forest represents a very small minority of actual forest users. As the amount of land designated to ORV use increases, so do the conflicts between different user groups. Motorized trail use is not compatible with the majority of traditional non-motorized activities on the forest. The Forest Service preferred alternative gives in to a small special interest group at the expense of both wildlife and the traditional quiet users of the forest.

**Letter #'s:** 112, 138

**Response:** *By restricting ORV use to established travelways the Proposed Action endeavors to address the concerns raised. We believe that the disabled, ORV enthusiasts, and non-motorized recreationists will been given a fair opportunity to enjoy access to the National Forest as a result of the proposed regulation changes.*

#### **10: Trail Designations**

**Comment:**

- There should be more emphasis by the FS on the designation of trails for hikers, horses, etc. but NOT for motorized travel.

**Letter #'s:** 14, 176

**Response:** *While we appreciate your comment, it is beyond the scope of this analysis. This analysis was completed to analyze the effects of restricting future off-route motorized use so as to reduce the impacts that this use has on the ecosystem.*

**11: Questions**

**11a: Recreation**

**Comment:**

- What exactly is meant by "multi-use trail"? Are trails that have blue diamond markers on trees open to ORVs? Or not?

**Letter #:** 14

**Response:** *A "multiple-use trail" may be open to a combination of motorized and/or non-motorized uses. Blue diamonds are markers designating a cross country ski trail and it does not by itself designate a trail open to ORV use. A cross country ski trail may in the summer season have a motorized designation but a marker other than a blue diamond would be used.*

**Comment:**

- It seems that (within the EA) you almost want to limit the motorized travel to an On-Road use only when examining the wildlife disturbance, soil and riparian impacts, and the social or hunting confrontations. However, you seem to over-look these points when you defend the off-road recreationists by stating that you're concerned for their right to experience scenic vistas, backcountry, and even provide challenges for them. Why do you have to provide a challenging experience for them and what does this involve? Why do you feel that you must provide a 'recreation' for people that in essence tears up the earthly resource while causing havoc with the wildlife resource? It seems that you spend time and money in trying to recover some areas in the way of erosion, fish habitat, and prescribed burning, but then you go ahead and allow a recreation that will negate these achievements.

**Letter #:** 56

**Response:** *We find resource impacts from both motorized and non-motorized recreation and we are concerned for the rights of all recreationists in the wise use of public lands.*

**Comment:**



- When packing elk quarters with horses, it usually requires 2 to 4 horses, (2 for riding and 2 for packing). How much damage do the horses do when following each other over soft ground or on hillsides? I have seen areas where horses have created more damage than ATV's, but you do not propose any restrictions for sportsmen using horses.

**Letter #:** 90

**Response:** *On a one time basis, horses and ATV's each may cause more or less damage depending on the terrain and weather conditions. Horses leave foot prints where ATV's make a linear track. This linear track is more visible which leads to other ATV's using the same route. Also, we have found that horses use existing game trails that are not wide enough for ATV's; therefore, these trails are cleared and widened by ATV operators which is the creation of a new trail. Horses are also lighter on the land because of the way they are used, such as traversing hill sides instead of going straight up the hill as ATV's tend to do more often.*

**Comment:**

- The E.A. doesn't state whether or not the conflicts in Ryan Park are on or off private land/roads. Who is creating the conflict - private landowners on ATV's or the general public?

**Letter #:** 101

**Response:** *ATV conflicts in the Ryan Park area have occurred both on and off private lands and roads. Conflicts arise from both the private landowners and the general public.*

<b>11b: Roads and Inventories</b>
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**Comment:**

- How long will it take the FS to inventory roads after this plan is implemented? In other words, how many new user-created roads will be established? And what provision has been made for obliterating illegal roads? Have you budgeted for this problem?

**Letter #:** 21

**Response:** *The Forest Service renewed inventory emphasis prior to beginning this environmental analysis, and it is nearly complete. After the decision is signed, any roads created after that date may be decommissioned without NEPA. Roads that existed prior to the decision which were not already part of the transportation system will be tracked in the inventory as "unclassified" until a NEPA analysis is completed to determine whether the road should be added to the system or decommissioned.*

*Until we began this analysis and put a temporary moratorium on road obliterations, the Medicine Bow NF was decommissioning between 45 and 60 miles of road per year, for various reasons outlined in NEPA documents, and using various closure methods. Once the decision is signed, we will begin the Phase II*

*site-specific analyses to determine which roads should be decommissioned, and implement those closures using funds that we have traditionally used in the past.*

**Comment:**

- On page 65 it is Forest Service policy to maintain, within budget constraints, all Forest Development Roads in a condition which safety accommodates intended use." It goes on to state that FDR's constructed prior to 1990, RMO's are assigned in retrospect. Most low standard dirt roads are intended for travel by high clearance and 4WD vehicles." My question is why do you wish to exclude OHV's from the proposals if this is part of the RMO? Some roads, Mr. Schmidt, that are defined on page 65 that are parallel routes which end up in the same spot might be more than 1/2 miles apart, so why would you consider them as "excess roads" and deem them for rip and seed. Some roads that are old 2-track roads might not seem important to the Forest Service but to someone with an OHV with "big game" down might consider this as an important road that needs to be retained for OHV use for fuelwood, big game retrieval. It appears to me that someone will have to evaluate all 2-track roads with the public to determine which are to be kept and which are to be obliterated.

**Letter #:** 28

**Response:** *This proposal is not intended to exclude OHVs from roads. The proposal is to eliminate off-route travel, by OHVs or any other motorized vehicles. We agree that the Forest Service will need additional input from the public when deciding what the transportation system should consist of. This will occur during the Phase II analyses.*

**Comment:**

- Is a map of user-created roads based on GPS available? Does Table 4. include roads closed to motorized travel? Does it include roads that have been ripped and seeded?

**Letter #:** 101

**Response:** *Our database does not contain a field called "user-created." We do not differentiate between Forest Service created and user-created routes. Rather, they are defined by other characteristics, such as functional class (arterial, collector, or local), maintenance level, surface type, etc. Many so-called user-created routes date back to old mining roads, and are not just an OHV phenomenon. Some user-created routes provide an experience that the Forest Service wishes to, and is obligated to, maintain. Many Forest users seek that primitive road experience because they are seeking solitude and a respite from development.*

*Roads that have been inventoried but have not been added to the transportation system through NEPA are placed in the "unclassified" category, pending a decision.*

*Table 4 includes open roads only.*

**Comment:**

- Will trails (including user-created trails) be included and depicted on the Travel Map? In addition will trails (including user-created trails) be marked with signage?

**Letter #:** 111

**Response:** *Trails are part of the transportation system and will be mapped and signed. Some decisions about appropriate use of routes, such as converting a road to a trail or motorized trail to a non-motorized trail, will be made during Phase II site-specific analyses. Supervisor's Orders are written to define what types of use are acceptable on trails, such as excluding large vehicle traffic from trails. Trails are then signed accordingly.*

**Comment:**

- Define Unadjusted vs. Adjusted road density, and how these terms are used in the analysis. In addition, are existing trails and user-created trails included in this analysis?

**Letter #:** 111

**Response:** *When calculating road densities and their effects on wildlife, road mileages are adjusted based on the amount of traffic a particular road gets (Forest Plan, 1985). The adjusted road density is used to determine whether a watershed meets Forest Plan Standards and Guidelines with respect to wildlife. Analysis of effects to other resources, such as hydrology, is completed using actual road miles. Miles of motorized trails were included in this analysis.*

**Comment:**

- The USFS does not have nearly enough funding to properly maintain the existing Transportation System; there is no way the USFS could properly manage and maintain the countless miles of ``user-created" ORV trails if added to the Transportation System. Where will the funding for maintenance and monitoring come from?

**Letter #:** 112

**Response:** *The Medicine Bow National Forest is not creating any new roads as a result of this analysis. Whether or not we acknowledge the existence of user-created routes, they do already exist. This analysis is one step in a strategy to better manage our transportation system. The proposal is an attempt to eliminate the future proliferation of user-created routes by eliminating off-route travel. Then we can focus on the effects of existing routes.*

**Comment:**

- The EA states that non-system roads were mapped and added to the database. Does this inventorying and entry into the database automatically ``designate" routes as being part of

the system and open to motorized travel if a FONSI for the proposed action is signed? If these routes are designated, does this make them a Forest Development road or trail?

**Letter #:** 167

**Response:** *Since we indicated that no existing routes would be closed as a result of this analysis, unless they are causing unacceptable resource damage, any non-system routes that were surveyed were signed and added to an inventory. Consequently, they are considered designated routes. However, until a Phase II, site-specific analysis of the non-system route is completed, it will not be added to the transportation system as a Forest Development Road or Trail. Non-system routes have been included in a category called "unclassified."*

**Comment:**

- On page 44 of the EA, the FS references ``approximately 700 miles of closed roads. There are over 400 miles of roads that were obliterated." How effective have these road closures and obliterations been? Does the FS have any data on the closures? If so, this must be included within the NEPA document so that the public can know whether or not there are more roads and trails being used illegally. This must be included within the analysis.

**Letter #:** 167

**Response:** *The only data that the Forest Service might have on roads being used illegally would be citations issued for traveling on a closed road. The current paradox is that, although it may be illegal for someone to travel down a closed road, they are perfectly legal to travel along that same road, in an unrestricted motorized area, providing resource damage does not occur.*

<b>11c: Forest Plan Amendment</b>
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**Comment:**

- In addition I am concerned about page 64 Item D which states that "The 1985 Travel Map would need to be amended under all but the No Action alternative." Does this mean that if anything but No Action is approved you or the Forest Service can designate which roads are to be allowed to be used or closed?

**Letter #:** 28

**Response:** *Even if the No Action alternative were selected, the Forest Service would still have authority, under 36 CFR 295.5 and 36 CFR 261, to immediately close roads if ``considerable adverse effects" were occurring or were likely to occur as a result of motorized use. The Forest Service also has the ability to close a road or area, even if considerable adverse effects are not occurring, following adequate public involvement procedures. Consequently, regardless of the alternative selected for this analysis, we will always retain the ability to close roads or areas if adverse impacts occur or if public sentiment indicates that doing so is in the public interest.*

*As stated throughout the DEA, we are not proposing to open roads as a result of this analysis. We are simply analyzing the effects of restricting motorized use to existing roads and trails.*

*Information in the draft EA that relates to Forest Plan amendments was in error and has since been corrected. The No Action alternative and Alternative 2 would require amendments to the Forest Plan if selected. The Proposed Action and Alternatives 3 and 4 would not. The No Action alternative and Alternative 2 do not comply with Forest Plan Direction and Standards and Guidelines relating to wildlife, Semi-primitive non-motorized areas, and riparian areas. Therefore, an amendment would be needed to bring the alternatives into compliance with the Plan. Although selection of all but the No Action alternative would require revisions to the Travel Management Map (which is part of the Forest Plan) further review of the Plan indicates that such revisions can be made via a Supervisor's Order.*

#### **11d - Firewood Permits**

##### **Comment:**

- On page 74 you state "that there has been extensive firewood gathering, and it is becoming difficult to find firewood within 100 feet of the road." Is this going to improve in the future if this EA is approved? I think not, so what will this do to the people that purchase fuelwood permits now? Will this create a burden for those of us who do the USDA a service by cleaning up the debris and also put monies in the federal coffers?

**Letter #:** 28

**Response:** *The Proposed Action and Alternatives 1, 2, and 4 include a 300 foot off-road travel allowance. The only alternative that proposes a 100 foot off-road travel allowance is Alternative 3. While we admit that it is difficult to find firewood within 100 feet of a road, we believe that adequate firewood gathering opportunities still exist within 300 feet of roads. Consequently, adequate firewood gathering opportunities would continue to be available under the Proposed Action and Alternatives 1, 2, and 4.*

#### **11e: Distance the Public Would Be Allowed Off Roads and Trails**

##### **Comment:**

- I am assuming that the distance measured for the 300 ft. would be taken from the edge of the road. Is this correct?

**Letter #:** 49

**Response:** *Your assumption is correct.*

#### **11f: Inholders and Permittees**

**Comment:**

- What is an inholder and what is a permittee?

**Letter #:** 49

**Response:** *For the purposes of the Forest-wide Travel Management EA, an inholder is a person who owns private property within the boundaries of the National Forest. A permittee is someone who has received a special use authorization that provides permission, without conveying an interest in land, to occupy and use National Forest System land or facilities for specified purposes.*

**11g: Resource Damage**

**Comment:**

- Is there ongoing analysis to potentially reduce/restrict the number of hunters allowed to reduce impacts?

**Letter #:** 111

**Response:** *No. There is no ongoing analysis to reduce or restrict the number of hunters.*

**11h: Standards and Guidelines and Management Areas**

**Comment:**

- Where is unrestricted off-road travel conflicting with specific Forest-wide Standards and Guidelines? Which Management Areas and Standards and Guidelines within the Area are being affected?

**Letter #:** 101

**Response:** *Several areas of highest priority for site-specific travel management analyses (Phase II) are listed on page 29 of the DEA. Specific locations of user-created roads are also discussed on pages 36-37, 54-56, 57-64, 81-82, and 97-99 in the DEA. Forest Plan consistency discussions may be found on pages 75-76 and 90-91 in the DEA. Appendix B in the DEA contains a listing of Forest Plan Direction, Standards and Guidelines, and Goals affected by travel management.*

**12: Against the Proposed Action; Supports Alternative 1: No Action**

**Comment:**

- Your report on page 67 states "that resource damage is occurring during hunting season, and not during the summer when conditions are dry." I have been the owner of an ATV and I can assure you that the summers in our area do not dry up all the areas that the ATV's can reach. I have seen damage that these vehicles make and it is not all done by

hunters during hunting season. On page 70 you state "there are very few acres within the analysis area farther than 1/2 mile from a road or trail open to motorized use." I take exception to this because when the conditions are less than perfect (snow, fog, etc.) a 1/2 mile can be an extreme distance without the aide of a vehicle to retrieve a downed animal the size of an Elk. Your ALTERNATIVE 1 should be retained because of the aforementioned reasons.

**Letter #:** 28

- I wish to restate my opposition to the Proposed Action as I continue to believe it represents heavy handed imposition of largely unnecessary additional restrictions on forest use which can only be marginally and unevenly enforced given the lack of enforcement resource in the forest.

**Letter #'s:** 28, 32, 48, 175

- I strongly support Alternative 1 (status quo) and urge that the Forest Service seek and allocate the resources necessary to enforce the restrictions on travel which it already has in place...the best approach is to leave the travel restrictions essentially as they currently are.

**Letter #'s:** 16, 32, 33, 43, 46, 55, 63, 73, 82, 95, 101, 110, 119, 131, 150, 166, 173, 174, 180

- The first paragraph on page 29 pretty well sums up my opposition to your proposal. Little site-specific analysis has been done, yet the proposal is to close off all areas beyond 300' from existing roads. I say, you should have gotten the site specific stuff done first, then offer a proposal.

**Letter #'s:** 48, 135

- We are strongly in support of Alternative 1: No Action - Existing Travel Regulations Would Remain Unchanged. I and my wife, Sharon Kay Bohlen, wish to state for the record that we vigorously oppose any change in the rules regarding travel in the Medicine Bow National Forest. The amount of damage done by ATV's , the vehicles we use, in comparison to logging, grazing, and amateur mining is inconsequential.

**Letter #:** 109

- As a long time resident of Laramie and the Albany Area, I find this to be both a ridiculous and completely unreasonable solution to the problem of pollution in the Laramie and Albany area...By passing this you are destroying a fun and safe experience for those of us who use our ATVs to explore and enjoy our, and I do stress our, state's beautiful mountains. Your are also taking away a family past time for many families.

**Letter #:** 22

**Response:** *To quote from DEA page 76, paragraph 4: ``...most of the user conflicts and resource damage are occurring during hunting seasons..." This statement does not*

*make the claim that all resource damage transpires during the hunting season. Instead, it acknowledges that other Forest users and uses (including Forest Service management activities) have the potential to cause resource damage.*

*Impacts associated with Forest Service management activities are addressed in site-specific NEPA analyses. During these analyses, impacts associated with ALL uses within a given area (not just those of the Forest Service) are displayed in the "cumulative effects" section of the NEPA document. As such, all resource impacts are considered. Because the Forest-wide Travel Management EA was developed specifically to address impacts associated with unrestricted off-road vehicular use, these effects were more displayed more prominently in the DEA. However, impacts associated with other Forest uses and users were also displayed.*

*While it is true that we have not yet conducted site-specific travel management analyses across the entire Forest, monitoring information and comments from the public regarding unrestricted off-road vehicle warranted some type of action; hence the Forest-wide Travel Management EA. Public comments and monitoring information indicated that unrestricted motorized recreation IS resulting in social conflicts and environmental damage on the Medicine Bow National Forest. As such, we did not feel that we could wait to address what is currently happening until we had site-specific information for the entire Forest. We also felt that, based on our current transportation inventory, which includes over 2,800 miles of Forest Development and user-created routes, ample opportunities would still exist for people to "explore and enjoy" their National Forest even if off-road travel were restricted.*

**Comment:**

- I am definitely in favor of alternative 1-No Action. If there is a conflict with SPNM areas, perhaps these should be removed. Off road use may do some damage, but it is mostly minimal and non-permanent.

**Letter #:** 33

**Response:** *We have found that motorized use off designated travel routes has resulted in long term damage to soil and water resources. The conflicts we are addressing occur in all Recreation Opportunity Spectrums, including SPNM.*

<b>12a: Restricted Access Causes Destructive Behavior</b>
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**Comment:**

- Despite my misgivings about this creeping restriction of public lands, I can understand why the Forest Service is highly disturbed about user-abuse of the forest. Some people are just careless and unconcerned about nature protection but I think that many of these could be converted by kind words, acts, and policies on the part of government agencies. The dangerous ones are the deliberate vandals and, unfortunately, some of these will always be destructive, no matter what. However, I'm convinced that a number of these became vandals only after being prohibited access to favorite places in both the forest and



on the prairies. The violent resentment of some of these destructionists has been reported by various news media in attacks on Forest Service and BLM structures, etc. from Wyoming through Nevada. I see this spitefulness only worsening as government agencies further restrict public land access.

**Letter #:** 34

**Response:** *This is a valid comment. The Forest Service, in trying to provide for the "greatest good for the greatest number in the long run," must increasingly make unpopular trade-offs between uses and users. This stewardship job will not be accomplished, however, if fear of illegal response is a factor in the decision equation. Such matters must remain an issue for law enforcement personnel.*

### **13: The EA Does Not Address Problems Associated With Snowmobile Use**

**Comment:**

- The DEA and Proposed Action do not address any of the problems associated with snowmobiles. While these ORVs are not responsible for the "user-created" roads and trails plaguing the Forest, snowmobiles are nevertheless causing significant soil and resource impacts. This is because the USFS is not regulating snowmobile season on the MBNF. As a result, irresponsible snowmobile users routinely use their machines at times (e.g., in December and May) when there is little snowpack, leaving thin and bare areas where soils and delicate vegetation are then seriously damaged. The laws and regulations we cited in Sections 1 and 2 of these comments apply with equal force to snowmobile use; these same laws and regulations require the USFS to take immediate action to protect the Forest resources from damage being caused by snowmobiles. The scope of the USFS's Travel Management plan should therefore be broadened to control resource damage from snowmobiles. The easiest way to do this would be for the agency to begin establishing a "start-day" and a "stop-day" for snowmobile season. To accomplish this, the USFS should designate an employee (or employees) to monitor on-the-ground conditions in November and December and again in May and June to determine when there is sufficient snowpack to prevent soil, wetland, and vegetation impacts. The revised draft and final NEPA documents should explore this alternative and address the damage being caused by snowmobiles.

**Letter #'s:** 17, 99, 129, 138, 168

**Response:** *As stated on DEA page 17, analyzing the effects that snowmobiles have on the environment was thought to be beyond the scope of this analysis. The purpose of this analysis was simply to address the proliferation of user-created routes and the associated resource damage, social conflicts, and disturbance to wildlife. We do, however, recognize that snowmobile use on the Forest is an important issue and will likely address it in a future analysis.*

**Comment:**

- What is your intention concerning ``free-form" snowmobiling? At the very least, we hope you will not permit hill climbs and other competitive snowmobile activities. That is not a suitable use of our Public lands.

**Letter #:** 130

**Response:** *Snowmobile use is not being analyzed; therefore, it is beyond the scope of this analysis. All organized hill climbs and other competitive snowmobile activities require a special use permit.*

#### **14: Supports Alternative 2 - Game Retrieval**

##### **Comments:**

- I would like to ask that you look very strongly at proposal number two. During the spring and summer months when the forest is rejuvenating and animals are building up their strength for the winter ahead, the use of motorized vehicles off road, past the 300 foot mark should be prohibited. However, just as in agricultural endeavors throughout Wyoming, these machines make the work of harvesting domesticated or wild animals much easier...during hunting season, it would be simple to police a policy allowing smaller ATVs to be used to retrieve downed game animals past the 300 foot limit for larger four wheel drive pick up trucks by simply asking to see a filled in hunting license where the carcass tag has been separated from the license. If this can't be produced, then it's a violation. In this way, both the forest service and the Wyoming Game and Fish Wardens can police the policy.

**Letter #'s:** 27, 90

- The only exception [to allowing travel off Forest Service routes] should be to allow retrieval of downed game. Any exception for ATVs, 48" wide or less, only opens a loophole which the public will rapidly take advantage of. Within a few years the environmental damage caused by that increased traffic will become obvious and another "review" will be called for...To further characterize the effects of Alternative 2, it would be useful if we had a quantitative idea of the damage caused solely by hunters retrieving their game. If that damage can generally be repaired and is not of great magnitude, it seems to us that Alternative 2, with the addition of all wheeled vehicles as suggested above, is persuasive.

**Letter #'s:** 51, 60, 70, 92

- Alternative 2 does acknowledge hunter needs, and does acknowledge that travel needs to be managed differently during hunting seasons. I dispute the EA's contention that allowing off-trail travel to retrieve game will create more trails unless 5-10 deer/elk are downed in exactly the same spot. Site-specific examination might reveal the need to impose other restrictions during the hunting season. The hunter should not be portrayed as having a particular advantage over the recreationists due to allowing game retrieval. This is not an advantage that would appeal to the recreationists. We approve of Alternative 2. Game retrieval should be allowed.

**Letter #'s:** 65, 83, 127

- On the subject of game removal, why not let hunters who shoot an elk or deer drive out to retrieve the animal and return directly back to the road. You could set hours for game retrieval so the noise of an ATV or truck would not screw up the hunting for other hunters who got up early and walked in. There are a lot of hunters like myself who are over age 65 who still hunt, plus a lot of disabled hunters and woman who if they could drive to the animal, could cut it up and load it. Why make it hard for us?

**Letter #'s:** 47, 61, 62, 68, 128

- I support Alternative #2, and believe this alternative would result in less conflicts with private landowners and would help reduce conflicts with motorized and non-motorized Forest users.

**Letter #'s:** 72, 102, 103, 137

**Response:** *The ``validated tag" approach is a good idea if game retrieval is permitted. However, if Alternative 2 is not selected, it is because the impacts to other users, wildlife, and resources are not a good trade-off, even if policing such access is possible.*

<b>14a: ATV Characteristics and Aspects of Alternative 2 (EA page 22)</b>
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**Comment:**

- Wyoming House Bill 59 amends the definition of off road recreational vehicles (ATVs) to a maximum weight of 900 pounds and must have at least 3 low pressure tires. I believe this should be included with your maximum width of 48".

**Letter #:** 102

**Response:** *The Forest Service believes that the distinction between Off-Road Vehicles that are 48 inches in width or less and those that are greater than 48 inches is adequate for public understanding of Alternative 2 and for enforcement purposes, should Alternative 2 be chosen.*

<b>14b: The Forest Service Should Issue Permits for Game Retrieval</b>
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**Comment:**

- The Forest Service may want to consider adding a provision under the Proposed Action for physically challenged individuals to obtain a ``special use" permit to allow off-road vehicle use for game retrieval purposes.

**Letter #:** 111

**Response:** *The State has special exemptions that allow hunters with disabilities to fire from roadways and from inside vehicles. As identified in the Decision Notice for this proposal, disabled individuals holding a valid ``Hunters with Qualifying*

*Disabilities," permit, as issued from the Wyoming Game and Fish Department would be allowed to use off-road vehicles to retrieve downed game (please refer to page 1 of the Decision Notice).*

**Comment:**

- There are various creative non-motorized methods to retrieve downed game and in the long run, they contribute to a quality hunt...Perhaps one should try issuing low-cost permits to horse groups, outfitters, or perhaps backpacking groups to pack out game. The advent and availability of cell and digital phones make such a concept entirely feasible. A hunter could phone a game retrieval service provider in the area and have his/her game horsepacked or backpacked out for a reasonable fee. I suspect this approach would actually be more cost-effective for the hunter than buying and maintaining some sort of motorized transport.

**Letter #'s:** 24, 102, 169

**Response:** *You are correct that there are other ways to retrieve downed game besides using a motorized vehicle. Alternative 2, which would allow the use of an ATV to retrieve downed game, was developed to address concerns raised by the public during the public participation process for this analysis. Although the effects of using a motorized vehicle to retrieve downed game were displayed in the DEA, the Decision Maker concluded that allowing game retrieval was not worth the social and environmental effects associated with such use (please refer to page 11 of the Decision Notice). Instead, it was felt that the 300 feet off-road travel allowance would provide both motorized and non-motorized hunters with an opportunity to practice their hunting preference.*

**15: Inholder and Permittee Access**

**Comment:**

- I agree that there needs to be some restrictions on the use of the ATV's that are now in wide-spread use but I do not want to see any restrictions on the access to my property which is located along Forest Road 898.

**Letter #:** 97

**Response:** *As stated throughout the EA, we are not proposing to open or close (unless they are causing unacceptable resource damage) any roads as a result of this analysis. This includes unplanned and unmanaged user-created roads and trails. The only decision that would be made is whether or not to restrict future off-route vehicular use. Decisions to open or close individual roads and trails, or to develop additional motorized opportunities, would be done through separate analyses and only after further public discussion and disclosure. Therefore, regardless of the alternative selected, no restrictions would be enforced that would prevent you from accessing your property.*

**Comment:**

- The DEA (page 16) suggests the Proposed Action is needed, in part, to provide private inholders and permittees with access to parts of the Forest. If inholders or permittees have created unauthorized roads and trails to access their properties or livestock, then they have violated the law and damaged public resources. The USFS should not legalize any "user-created" roads or trails no matter what they were constructed for. If inholders or permittees want motorized vehicle access across USFS lands, they can request a right-of-way or road construction permit in accordance with NEPA and special-use procedures.

**Letter #:** 129

**Response:** *DEA page 16 was not intended to suggest that the Proposed Action is needed to provide "inholders and permittees with access to parts of the Forest." Although the Alaska National Interest Lands Conservation Act does require the Forest Service to provide private inholders "reasonable use and enjoyment" [of their property], inholders must comply with rules and regulations applicable to ingress and egress to or from the National Forest System. As such, inholders would need to request, as you suggest, a right-of-way or road construction permit in accordance with NEPA and special use procedures if access is needed. In most cases, however, adequate access to private land or areas under permit currently exists as a result of either Forest Service constructed or user-created routes. To close a route just because it was user-created, and require construction of a new one to access the same area that the user-created one did seems illogical and unnecessary. In any event, all user-created routes will be analyzed during the future, site-specific travel management analyses. If it appears as though the user-created route was constructed primarily to access an inholding or an area under permit, and that it duplicates access currently provided by a pre-existing Forest Service route, it will most likely be closed.*

**Comment:**

- Any exceptions granted to various permittees and user groups should be limited. A very conservative approach is needed here to avoid the appearance of favoritism and abuse.

**Letter #:** 169

**Response:** *Thank you for your comment.*

**Comment:**

- How will the FS deal with mining claims? It seems claim holders would have exclusive use over areas because the FS must provide reasonable access to claims.

**Letter #:** 179

**Response:** *The Alaska National Interest Lands Conservation Act (ANILCA) requires the Forest Service to provide private inholders "reasonable use and enjoyment" [of their property]. ANILCA also applies to mining claims wherein claimants own an area's*

*subsurface rights. However, inholders and/or subsurface rights holders must comply with rules and regulations applicable to ingress and egress to or from the National Forest System. As such, mining claimants would need to request some type of right-of-way or road construction permit in accordance with NEPA and special use procedures if access is needed.*

## **16: Questions Regarding the Purpose of and Need for the Proposal**

### **Comment:**

- After having reviewed the proposed changes in off-road use in the National Forest, I have come to the conclusion that this change is unnecessary. My reasons include the following:
  1. There will always be conflicts between different types of users. Many hikers would prefer that no horse traffic be allowed.
  2. I cannot believe the conflict with private landowners is very widespread. All human use will move wildlife.
  3. Resource damage is already unacceptable.
  4. I am definitely not in favor of increasing law enforcement efforts or powers...we really do not need any little gestapos running around these federal lands. Although what one person does on these lands may not agree with what another does, they do belong to everyone, and one user should not be penalized or prohibited from use because of another's preference.
  5. These things have a way of escalating. For now you are only considering the two areas shown, and only parts of them, but soon it might become all of these forests plus parts of others, then all of these and parts of still more. This smells of establishing wilderness areas. We who use vehicles to care for and check cattle, fences, etc., could (would) be prohibited from these actions also.

**Letter #:** 33

**Response:** *Thank you for your comments.*

### **Comment:**

- Pages 11 & 12 (as well as numerous other places throughout the document) lead to the premise that the existing condition must be in compliance with the Forest Plan, the Regional Guide, various acts, and executive orders. As I understand these requirements, there is leeway in the interpretation and implementation of these documents, and this leeway was put there to be used. Ground "truthing" should always override broad and general plans such as these. If the motorized travel areas are found to be not in compliance with these plans after ground truthing, then these general plans can be amended, or an exception to the rules, plans, or what have you can be granted. Your document leads the reader to the belief that any alteration of these plans is not permissible or is out of the question. These plans were meant to be guidelines and not absolutes!

**Letter #:** 48

**Response:** *We agree with your interpretation that there is leeway in implementing the various laws and regulations cited in the DEA. However, we feel that too much leeway has been granted over the years which has resulted in resource damage, loss of solitude in Semi-primitive non-motorized areas, conflicts with other Forest users, and declines in wildlife habitat. Continued ``leeway" would only exacerbate these conditions. Consequently, rather than wait until impacts become worse, as they inevitably will with increased Forest use, we thought that it was prudent and necessary to undertake this analysis now.*

*In general, we also agree that ``ground truthing" should override ``broad and general" plans, such as the Forest-wide Travel Management EA. However, due to the size of the Forest, it would take far too long to analyze motorized areas to the level necessary to determine how each should be managed. Meanwhile new user-created routes would be created and the problems associated with them would continue. Consequently, we decided that it was in the public's, and the Forest's, interest to stop the development of user-created routes now and determine how to manage individual roads and trails during future, site-specific analyses (see DEA page 29).*

**Comment:**

- Because the elk populations have increased with the increase of open road and trail mileages, and since the Wyoming Game and fish Department has failed to get the herd reduced, I am convinced that there is not a shortage of wildlife habitat or effective wildlife habitat. The elk seem to be doing just fine, thank you. And, as far as reduced hunting quality, as alluded to on page 14, I have yet to talk to a successful hunter who complained because he was able to drive to or near his "kill" and load it without carrying or dragging it a great distance. On the contrary, I hear more complaints about not being able to get their kill out. I believe that the exclusion of motorized use beyond the 300' zone will lead to more abandoned carcasses because of the difficulty of getting the meat back to the truck.

**Letter #:** 48

**Response:** *The first part of this comment suggests a relationship between an increase in open roads and an increase in elk populations, hence an implied level of well-being of the herd. The Forest Service disagrees with this largely unfounded assumption. The DEA does not suggest there is a "shortage of wildlife habitat." Wildlife habitat effectiveness is evaluated and discussed in the DEA and in the Specialist Report for Wildlife for Forest-wide Travel Management Analysis (dated 9/3/98, final edit 4/27/99).*

*The Forest Service agrees with the Commentor that there are many people who both support and practice game retrieval using some method of off-road motorized travel. There are also many people who do not support or practice game retrieval using motorized vehicles, but rather support more traditional past methods, such as quartering the animal and packing it out on your back, dragging it out, and using game carts or horses. There were also many people who commented that their hunt was ruined because of people hunting from their ATV rather than walking into areas. Comments representing all sides of this issue were well-represented during*

*the scoping process, during open houses, and among those received in response to the DEA.*

*Exclusion of motorized use beyond 300 feet for game retrieval would occur only if the Proposed Action or Alternative 4 is selected. The limit would be 100 feet if Alternative 3 is selected, and there would be no limit if Alternative 1 or 2 is selected. No matter what the decision is (other than Alternative 1), enforcement and compliance will be (and always will be) a challenge, which is disclosed in the DEA. Abandoning a carcass, or some other violation, is not only a legal question, it is one of hunter "ethics." The travel regulation decision will not "force" anyone to break the law. Every individual makes that decision for himself or herself.*

**Comment:**

- I believe that the "inconsistency of signing and regulations" is grossly overstated throughout the document. We are, as a society, used to varying speed limits on our highways and city streets, different zoning ordinances and requirements, different hunting and fishing seasons and limits, and the like. It is foolish to believe that we cannot adapt to different requirements regarding travel in our National Forests. And, the idea that the MBNF is somehow out of touch just because we are the only forest in the region that permits off road travel is poppycock.

**Letter #:** 48

**Response:** *We have heard from the public that they would like to see more consistency in signing and regulations between Ranger Districts and Forests. We will never be fully consistent, nor do we need to be. Each Forest is different both in the land and the people that use it. What we need to be consistent in is managing for the protection of the resources.*

**Comment:**

- Vast areas, 30% are already set aside as Wilderness areas closed to most of the population. This should solve the motorized, non-motorized conflicts. It is unfair to close the other 70% to the majority of the populace.

**Letter #:** 71

**Response:** *Wilderness areas compromise 7 percent of the Forest. On the remaining 93 percent, we continue to see conflicts between motorized and non-motorized uses.*

**Comment:**

- **Improve wildlife habitat effectiveness:** The best measure of elk habitat effectiveness is the production and support of elk populations. ``The Wyoming Game and Fish Department has estimated the elk population in the Snowy Range and Sierra Madre herd units as being at or above the objective levels since 1987...and the elk population levels



are evidently at an all time high." (from the Annual Monitoring Evaluation Reports 1993 - 1996)

**Reduce damage to the land:** Under the Proposed Action and all Alternatives resource damage in terms of soil loss, siltation of water courses and vegetation loss will continue. Rutting of many existing roads during wet conditions is obviously contributing more surface erosion and siltation into water courses than all off-road travel. However, this is not addressed in the E.A. Closing existing travelways is not being done consistently during spring run-off.

**Minimize increasing conflicts between motorized and non-motorized Forest users:** The E.A. does not evaluate this issue in terms of the location(s) of the incidents. If it is occurring in Management Areas where off-route travel is currently allowed then it is a social issue and will never be resolved. This is no different than the issue between the Wilderness vs. non-wilderness.

**Improve consistency across the Forest:** I believe this is the key to the off-route travel issue. Consistency in enforcement of existing travel regulations. Consistency in determining what is resource damage and what is not. Consistency in prosecuting violators. Consistency in travel management planning. Consistency in following the Medicine Bow National Forest Land and Resource Management Plan. If this is done across the Forest, it will go a long way in reducing the current travel management issues.

**Letter #:** 101

**Response:** *Improve Wildlife Habitat Effectiveness: It is correct that the Snowy Range elk herd unit has been at or above population objective for several years.*

*The Forest Service believes that "the best measure of elk habitat effectiveness is the production and support of elk populations," as suggested by the Commentor, is an oversimplification of the definition for habitat effectiveness as defined in the scientific literature.*

*The Forest Service also acknowledges the fact that the Commentor has taken this quote from the Forest's Annual Monitoring Evaluation Reports, Monitoring Item #22, which is called "Elk Habitat Effectiveness," but is only a measure of adjusted road densities within fourth-order watersheds. **Please refer to the responses below in comment category #29: Monitoring Reports for further discussion.***

*Habitat effectiveness is just one measure of the ability of different habitats to meet elk growth and welfare requirements. Lyon and Christensen (1992) define habitat effectiveness as the percentage of available habitat that is usable by elk outside the hunting season. Habitat used by elk on the MBNF is primarily summer range. Summer range includes the habitat used by elk from about late green-up until they move to winter ranges. Summer range is the complete matrix upon which elk herds depend for growth, reproduction, and thrift. Management focus is on maintaining the ability of the habitat to meet elk needs for forage, water, **seclusion**, and special features such as licks and moist areas (Christensen et al. 1993). Forest Service lands that support summer range are the basis for State elk management. Roads are undoubtedly the most significant consideration on elk summer range (Christensen et al. 1993). Relatively sophisticated technologies exist for calculating habitat effectiveness. Christensen et al. (1993) give several sources of information for habitat effectiveness and the major factors that influence it. Their*

*first recommendation in evaluating habitat effectiveness is to include a road model in the analysis. Habitat effectiveness is evaluated in Region 2 of the Forest Service using the HABCAP model, which incorporates hiding cover, foraging areas, and roads into the analysis. The Forest has good road information, however, it simply is not possible to include off-road motorized travel in an analysis of habitat effectiveness. The trend on the MBNF for the past 15-20 years has been one of more and more Forest visitors using more motorized transportation to access more remote areas. Access that was once mostly by foot or horseback has become increasingly motorized. The result is that once remote and secure habitats become easily accessible.*

***Reduce Damage to the Land:*** *Seasonal closure are being done to protect soil and water resources and also to protect the structure of the road prism. Also, closing of unneeded roads are usually done during area analyses and are part of transportation planning.*

***Minimize increasing conflicts between motorized and non-motorized Forest users:*** *The conflicts we are addressing occur in areas where off-route travel is allowed. Those are the only areas we are analyzing in this EA. We agree that this is a social problem that is affecting resources. We feel that the Proposed Action addresses the issue of reducing conflict by restricting motorized use to designated routes. This analysis is not, and cannot address, the full range of social issues that are being discussed between motorized and non-motorized users.*

***Improve consistency across the Forest:*** *The law enforcement group on the Medicine Bow National Forest strives to be consistent with similar types of infractions. However, depending upon whether in the professional judgement of the officer, the violation is a simple infraction of the regulations vs. intentional, the officer may exercise his/her judgement about whether the violator receives a warning, violation notice with a bondable fee to be paid, or the violator must appear in court. Each violation is examined and a determination made on the merits of that particular violation. One factor which automatically creates a situation where the violator receives a violation which requires an appearance in court is a violation involving willful resource damage. The above situations are taught to all forest protection officers and law enforcement officers as part of their initial training and yearly refresher training.*

**Comment:**

- Even if the EA, at this time, is not undertaking site-specific analysis, the document nevertheless needs to correctly frame the purpose and need as, not only the need to restrict off-route use, but the even greater need to decide whether to permanently add non-system, user-created routes to the Travel system. It is these routes, not only off-route travel, which are contributing to habitat fragmentation, above standard road densities, resource damage and cumulative impacts on a landscape scale. A purpose and need statement which includes the need to close some routes altogether will more accurately describe the actual problem and will allow the public to evaluate and respond to the problem in its entirety rather than to only a portion of the problem.

Because the purpose and need for the action is incorrectly framed, the alternatives in the EA do not follow from an accurate propose and need statement and do not address the underlying problem of whether to add user-created trails to the system.

**Letter #'s:** 134, 167

**Response:** *We believe that the purpose and need for the proposal is correctly framed. However, we did emphasize our commitment to completing the site-specific analyses by adding Item 5 under ``Features Common to all Alternatives, Including the No Action Alternative'' to the final document. Item 5 reads, ``Site-specific travel management analyses would be completed to determine whether or not to open or close individual roads and trails or to develop additional motorized opportunities. Decisions pertaining to road/trail closures and/or openings and additional motorized opportunities would occur only after further public discussion and disclosure.'' We agree with the Commentor's assertions. That is why we have committed to the Phase II site-specific travel management analyses.*

**Comment:**

- The EA needs to correct the impression that the Proposed Action will maintain the status quo when in reality ``adding" user-created routes constitutes a major change from the status quo comprised of existing system trails.

**Letter #:** 134

**Response:** *As stated in the DEA, we are not proposing to open or close (unless they are causing unacceptable resource damage) any existing roads or trails through this analysis. All user-created routes are currently ``open" for use only because we have not yet had an opportunity to complete site-specific travel management analyses to determine their fate. Since they are already open, selection of the Proposed Action would not ``open" user-created roads and trails.*

*Although user-created routes were inventoried for this analysis, they are being entered into our database as ``unclassified" until site-specific travel management analyses can be completed.*

## **17: Perception of Solitude and Increased Forest Use**

**Comment:**

- Page 70 of the document indicates use has increased on public lands by 43.8 percent from 1982-83 to 1994-95. With that increase, people should expect less solitude and more conflicts. While the document attempts to portray more solitude for dispersed recreationists on page 71 there is no discussion of how this proposed action will concentrate more visitors in most of the accessible areas.

**Letter #'s:** 28, 30

**Response:** *Motorized recreationists are currently using the accessible areas, which include the roads and motorized trails for camping and other recreation activities. Off-road motorized activities would be prohibited under the Proposed Action, and, as such, people would have to stay on designated routes. We do not believe that this will be a significant impact to the ``solitude" areas since the motorized routes on the Forest are designed for this use.*

**Comment:**

- On page 3, and throughout the document, there is a repetition of the word, "solitude." I maintain that there is plenty of solitude on the Forest already - all Wilderness Areas and Roadless areas are reserved for non-motorized uses exclusively. There are plenty of acres within the areas open for motorized use that also provide reasonable solitude. To require more (solitude), through the exclusion of most users is, to me, unreasonable. If a person truly wants solitude, then he (she) should go to an area where solitude can be expected - certainly not beside existing roads or trails! Also, solitude has apparently become a "higher form" of use. The bias is evident throughout the document that solitude (i.e., preservation) is preferable to man's use or intrusion into the environment. I disagree with that assumption. Certainly, solitude has its place, but should not be expected on the majority of publicly owned lands.

**Letter #'s:** 48, 128

**Response:** *Wilderness areas comprise only 7 percent of the forest area, and roadless areas are not reserved for non-motorized uses exclusively. Many of our inventoried roadless areas are open to on and off route motorized use.*

<b>17a: ORV Use Prevents Solitude</b>
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**Comment:**

- Offering trails to multiple use is not consistent with ROS guidelines that state that the recreation visitor should have an opportunity for an expected recreational experience in the Forest. An expected quiet non-motorized experience could be completely altered by the presence of a motorized ORV. Motorized recreation affects the remoteness criteria of an area far more than all other uses combined.

**Letter #:** 112

- In the spirit of multiple use, it is important that forest resources be made available to a multitude of uses and users. This should not mean, however, that ``anything goes" anyplace on the forest. Use needs to be partitioned to ensure that the activities of one group does not infringe on the activities of others, or damage the resource base of the whole forest.

**Letter #'s:** 56, 113

- Not only is motorized recreation more quantitatively consumptive than non-motorized use, it is more qualitatively consumptive. A passing hiker does not disturb the quiet

solitude of the backcountry nearly as much as does a noisy, smoky ATV or motorcycle. The proposal fails to address the fact that the consumptive nature of motorized trail use will become more and more significant as more and more users demand recreational opportunities on a limited public land base.

**Letter #'s:** 40, 138, 172

- Allowing motorized vehicles access to user created roads and trails and up to 300 feet from the trails will not adequately protect the Forest, and will make escape from motorized traffic by those who choose to do so, even more difficult.

**Letter #'s:** 147, 171

**Response:** *The authorized use of motorized vehicles (48 inches in width or less) with other non-motorized uses on trails is consistent with Recreation Opportunity Spectrum (ROS) guidelines and Forest Plan Standards and Guidelines in Semi Primitive Non-motorized, Semi Primitive Motorized, Roaded Natural, Roaded Modified, and Rural settings. We agree that not everything should be able to go every place on the Forest. All modes of travel on authorized travel routes, motorized and non-motorized, may not always be appropriate in all areas, such as a Semi Primitive Non-motorized ROS setting. This analysis is not addressing site-specific uses on trails. It is only addressing off route motorized use. Our Phase II analyses will address site-specific uses on our travel routes and user-created roads and trails.*

## **18: The Proposed Action Will Negatively Affect Camping Experiences**

### **Comment:**

- Another concern is of the impact on camping. I feel this will cause more problems with putting more people on the main or existing roads and causing more congestion on the areas that are now over-used.

**Letter #:** 28

**Response:** *Most people currently camp along existing roads and trails, and we are not expecting to see a large increase in congestion with the Proposed Action or any of the other action alternatives in these areas.*

## **19: Economics**

### **Comment:**

- Where will the monies come from to pay for the enforcement of the Proposed Action and Alternatives 2, 3, & 4? Do you have that kind of money lying around already? Why does Mr. Carroll think the costs for the Proposed Action would decrease within 3 to 5 years?

**Letter #:** 43

**Response:** *Prior to fiscal year 2000, a variety of funding sources were used for enforcement including recreation, road maintenance, fisheries, wildlife, fire, timber and others. We are now using road maintenance funding and for FY 2000 we have "restructured" other funds into the road maintenance account. As in prior years, recreation, fire and timber seasonal FPO employees and permanent FPOs are available and funded (see response to comment 03a1, page 17). Based on our experience on the Routt and other National Forests, compliance improves and costs go down as the public is made aware of and understands the new travel regulation. Start-up costs for printing and signing will drop off after the first few years.*

**Comment:**

- Is it reasonable to assume that Forest funds to support off-road travel management will be available in the future? I see this as a major problem to effectively implementing any future off-road travel management.

**Letter #:** 101

**Response:** *All National Forest funding is subject to the vagaries of congress and the current administration as well as national and regional priorities that may displace local priorities. Implementing the new travel regulation will impact the overall Forest budget by no more than one percent of total budget. Some programs will have to be "de-emphasized" slightly assuming a fixed total Forest budget. Funding for watershed health, clean water, and road maintenance is expected to be good in coming years.*

**Comment:**

- I believe your proposed plan would dramatically impact local families, tourism, and hunting and fishing tourism and associated revenues. This economic impact could be far reaching, but it has not been considered.

**Letter #'s:** 28, 110

**Response:** *Please refer to "Effects on Local Economy" in the Economics section of the DEA (page 112).*

**Comment:**

- **The USFS cannot afford to add "user-created" roads and trails to the NFS Transportation System.** On January 28, 1998 the U.S. Department of Agriculture initiated rulemaking to address travel management problems surrounding the National Forest's road system. See 63 Fed. Reg. 4351-4354. In the "Supplementary Information" section of the Advance Notice of Proposed Rulemaking in the Federal Register, the agency conceded:

current funding mechanisms and levels are not adequate to maintain roads to the standards originally planned, to assure minimum ecological impacts, as well as to ensure efficient and safe use.

Because the USFS lacks the [money] needed to properly care for the existing roads in the National Forest Transportation System, it would be irresponsible for the agency to add countless miles of ``user-created" roads and trails to the Transportation System on the MBNF.

**Letter #'s:** 129, 132, 154, 157

**Response:** *It is stated in numerous places in the DEA and associated specialist reports that the proposal does not involve the opening or closing of any roads (unless they are causing unacceptable resource damage). Similarly, the Proposed Action does not propose adding ``user-created" roads and trails to the system. Future NEPA analyses and decisions (Phase 2) will resolve their eventual status. The intent of this analysis is to implement new Forest regulations to stop the proliferation of future user-created routes. If, through Phase II analysis, certain user-created routes are added to the system, there are other options for maintaining them other than through expenditure of road/trail maintenance dollars. For example, grants may be available to help off-set maintenance costs or volunteer agreements with motorized user groups could be initiated. These are feasible options which will be explored if and when decisions to add user-created routes to the system are made.*

**Comment:**

- If these ``user-created" routes were added to the Transportation System, they would become an administrative and maintenance nightmare. How many water bars would need to be installed to control erosion on these roads and trails, and how much money would this take? How would the USFS regulate use of the ``user-created" roads and trails to reduce wildlife impacts and habitat degradation, and how much would this cost? Who would monitor these routes to inspect them for signs of rilling and gullying, and how expensive would it be? How much money would it take to install and maintain suitable stream crossings? What is it going to take to fix the existing soil erosion problems caused by ``user-created" roads and trails? How much effort and money would it take to make all of the ``user-created" routes ``safe" for general use? What will it take, in financial and personnel resources, to maintain the ``user-created" roads and trails, for example, to keep them free of vegetation, loose rocks, downed trees, and obtrusive tree limbs? Where would the money come from to do all these things?

**Letter #:** 129

**Response:** *Please refer to the Forest Service response given above.*

**Comment:**

- The proposed action would add a large number of user created routes to the system that are not up to any trail, road, or watershed standards. Users created these routes; thus, there is no environmental analysis behind them. The impacts of the routes were never

analyzed and, as a result, it will take a huge amount of resources to analyze them and bring them up to standards. If the FS had created these routes they would have had to meet standards. In the process of doing so, they would have been under analysis and review including public input for each and every route. The whole process of bring user created routes up to the various standards is a very expensive process, but this was not addressed in the EA. The FS must do an in-depth financial analysis of the impacts of including user created routes into the system.

**Letter #:** 167

**Response:** *Until the site-specific Phase II analyses are completed, it is not possible to determine the miles of user-created routes that could be added to the system. In all likelihood, however, the Forest Service would not add user-created routes that are resulting in substantial environmental damage or that would require significant dollars to bring them up to standard. In fact, as outlined in all alternatives (through mitigation), such routes would be closed immediately through a Supervisor's Order. We will likely focus our site-specific analyses on those user-created routes that provide the types of opportunities not currently being provided by the Forest Service, that are not resulting in significant resource damage, and that can easily be brought up to Forest Service standards. Further, since we anticipate analyzing the user-created routes in conjunction with other resource management proposals, we do not anticipate that the Phase II analyses will be unduly expensive. The Phase II analyses will, however, include a financial analysis of adding the user-created routes to the system.*

**Comment:**

- The EA does provide some information regarding enforcement but provides no information regarding ``road signing, inventory, database maintenance, road and travel planning costs." According to page 111 of the EA, the above ``costs were discussed in the Transportation section of the EA." After a thorough reading of the Transportation section, pages 56-69, the only information regarding the monetary costs are about signing. There is no mention within this document about the costs of maintaining and upgrading roads and trails all of which are very important and high costs.

**Letter #:** 167

**Response:** *Page 68 of the DEA indicates that \$47,500 would be needed to map uninventoried routes and to purchase and install Carsonite posts. Identifying the routes as ``unclassified" in the database is included in this cost. An additional \$18,000 would also be needed for the new entrance signs. This cost was also identified on DEA page 68. We are anticipating that most of the Phase II analyses will be completed in conjunction with other resource management projects. Therefore, these costs should not be significant. However, a financial analysis of adding user-created routes to the system, if such a decision is made, will be included in the environmental documentation for the Phase II analyses.*

**Comment:**



- The only economic information the DEA contains about the Proposed Action is an estimated \$47,500 to map uninventoried roads and install maker signs (DEA, page 68), \$18,000 to install ``entrance" signs (id.), and various costs for enforcement and education. Nowhere in the DEA can readers find information on how much money it would take to (1) bring all of the ``user-created" roads and trails into conditions that would be safe and minimally impacting, and (2) maintain the ``user-created" roads in such condition indefinitely. These costs are inextricably connected to the Proposed Action, and they probably amount to millions of dollars over the planning horizon. While the DEA's failure to include this information is a NEPA problem, the point we wish to make here is that given the extensive backlog of existing maintenance needs for USFS-created roads, the USFS would never be able to properly manage and maintain the ``user-created" roads and trails if they are added to the Transportation System. Thus, it would be extremely imprudent -- and fiscally irresponsible -- for the agency to do so.

We believe it would also be illegal to add ``user-created" roads and trails to the Transportation System when the agency knows it will never have enough funding to properly maintain those routes. NFMA mandates that any roads constructed on NFS lands be designed to proper standards for safe use, economical maintenance, and minimum impacts. 16 USC § 1608(c). The USFS is not complying with this requirement because, for at least 60% of the existing NFS roads, the agency admits it is unable to maintain those roads ``to the standards originally planned, to assure minimum ecological impacts, as well as to ensure efficient and safe use." 63 Fed. Reg. 4351. If the existing roads and trails -- routes the USFS constructed to serve specific needs -- cannot be properly maintained, there can be no assurance that the illegally constructed roads and trails -- routes that do not even have any demonstrable need -- would be maintained to standards which ensure safety and minimum ecological impacts as required by 16 USC § 1608(a). In the alternative, if the USFS did commit funding to properly maintain all ``user-created" roads and trails, this would only mean the agency would have less funding to properly maintain USFS-created roads and trails. In either case, adding ``user-created" routes to the Forest Transportation System would exacerbate the violation of NFMA. 16 USC § 1608(c).

**Letter #:** 129

**Response:** *As mentioned in several locations throughout the DEA, we are not adding user-created routes to the system. Therefore, there is no proposal to bring them up to Forest Service standards. Decisions to add user-created routes to the system will be made only after the Phase II analyses are completed. The Phase II analyses will include a financial analysis of adding the user-created routes to the system*

**Comment:**

- The ``Desired Condition" on page 6 states ``[t]he transportation system will be clearly marked so that permitted users are easy to identify. Roads and trails will be designed to require minimal maintenance." Someone has to design the roads and trails and do the work on the transportation system so that this desired condition of minimal maintenance could actually happen. The EA fails to analyze the costs of meeting the goals of minimal maintenance.

On page 20, the document states, ``2. If funding allows, law enforcement efforts and Forest Service education and ethics programs regarding travel on the National Forest would be increased." The problem is that the FS is relying upon enforcement, education and ethics to curb the ongoing trend of motorized invasion into the backcountry. Under the proposed action, eight Forest Protection Officers (FPOs) would be hired to keep track of travel management from June to October. Based on just those acres that currently have no travel restrictions in place, each FPO would have to enforce 95,333 acres. If the acres to be enforced by each officer is calculated for the entire forest, then each FPO would be enforcing 135,378 acres of the forest on any given day. This is obviously impossible and if the FS is truly committed to meeting the desired condition of this report significantly more FPOs should be hired.

**Letter #:** 167

**Response:** *A desired condition is something to strive for. In all likelihood, however, the Forest Service would not add user-created routes that are resulting in substantial environmental damage or that would require significant dollars to bring them up to standard. We will most likely focus our site-specific analyses on those user-created routes that provide the types of opportunities not currently being provided by the Forest Service, that are not resulting in significant resource damage, and that can easily be brought up to Forest Service standards. Further, since we anticipate analyzing the user-created routes in conjunction with other resource management proposals, we do not anticipate that the Phase II analyses will be unduly expensive. The Phase II analyses will, however, include a financial analysis of adding the user-created routes to the system.*

*Please refer to Forest Service response to comment 03a1 (page 17) for a response to the rest of this comment.*

## **20: Issues Beyond the Scope of This Analysis**

### **20a: Signs Depicting Moose**

#### **Comment:**

- Another issue that concerns me very much is the shooting of moose by elk hunters. I would like to see more signs showing the physical characteristics that distinguish elk from moose and would contribute money to see more of them.

**Letter #:** 29

**Response:** *Thank you for your comment. Since the Forest-wide Travel Management Environmental Assessment was developed to specifically address travel regulation changes, the issue raised is beyond the scope of this project.*

### **20b: 21 Day Limit for Campsite Occupancy**

#### **Comment:**

- I urge the Forest Service to adopt a more reasonable time limit than 21 days for campsite occupancy anywhere in the forest, especially as concerns elderly, retired persons. I realize it might be unacceptable for one family to "hog" a choice campsite during an entire summer, but what is wrong with allowing that party to move to another campsite remotely distant? And if no one in the public is concerned about the first choice, why not allow the party to remain all summer? I don't consider any existing rules need to be changed. I suggest that the Forest Service could just close its eyes to the existing policy of 21 days and allow the camper to remain, if no one in the public objects.

**Letter #:** 34

**Response:** *The 21 day camping limit regulation is not being analyzed and is beyond the scope of this document.*

**20c: Gated Roads**

**Comment:**

- Gated roads should be open to the public at all times.

**Letter #:** 65

**Response:** *Before a road can be closed, a NEPA decision must be made which documents the reasons for the closure and what type of closure to use. The Forest Service recognizes the appearance of a double standard when gates are locked but administrative use (Forest Service use) is allowed. Consequently, administrative use of closed roads is discouraged and minimized. In many cases we have moved away from gates to other types of closures. In other areas, there is a need to have emergency access, but the reason for the closure is still valid so the gates remain.*

**20d: Cattle Grazing**

**Comment:**

- There is one aspect that you have not considered in your proposal. That is the indiscriminate cattle grazing within the forest...They cause much more damage to the forest than any off-road vehicles...I hope you will see fit to not change the travel regulation around my property but that you do something about these cattle.

**Letter #'s:** 97, 143

**Response:** *This analysis was designed specifically to address impacts associated with off-road vehicle use. Although it is recognized that cattle grazing on the National Forest does result in certain environmental impacts, these impacts have been addressed in analyses addressing specific grazing allotments.*

*If the Proposed Action or any other action alternative is selected, travel regulations could change around your property. However, no Forest Service or user-created routes would be opened or closed at this time. The only decision that would be made is whether or not to restrict future off-route travel. Decisions to open or close*

*individual roads and trails, or to develop additional motorized opportunities, would be done through a separate analysis and only after further public discussion and disclosure.*

#### **20e: Water at Lost Creek Campground**

##### **Comment:**

- Why do you shut the water off at Lost Creek Campground during Elk season? All the hunters then have to go to Battle Creek campground and use a hand pump. If it's money, put a donation box by the water hydrant.

**Letter #:** 128

**Response:** *Although this comment is beyond the scope of this document, we close the water system down most of the time around the middle of October in order to drain the water lines before they freeze and damage occurs. In 1999, we left the water system open until November 1 due to warm weather.*

#### **20f: Fees for ORV Use**

##### **Comment:**

- It would also be reasonable for the USFS to begin charging an ORV fee for use of high-maintenance roads and trails on the Forest. Members of the general public who do not own ORVs (or ATVs, etc.), and those who own ORVs but do not use them in areas that require continual maintenance, should not have to pay for the cost of repairing the damage caused by irresponsible ORV use.

**Letter #:** 129

**Response:** *Although the matter of charging users for any National Forest use is beyond the scope of this analysis, this is a valid comment which may have application in other analysis efforts.*

#### **20g: Impacts to Forest Service Trails**

##### **Comment:**

- It [the Proposed Action] tacitly assumes that the problems associated with ORV use will be fixed by restricting ORV use to trails, completely ignoring the problems associated with ORV use on trails.

**Letter #:** 138

**Response:** *This analysis was designed specifically to address impacts associated with off-route vehicular use. As stated in several places in the DEA, we will be completing future site-specific travel management analyses. At that time, we will be taking a closer look at the road and trail network and making determinations regarding whether or*

*not to open or close individual roads and trails or to create additional motorized opportunities. If an existing route is experiencing problems associated with motorized use, a decision may be made at that time to change the type of use occurring on the route. These site-specific decisions will only be made after further public discussion and disclosure.*

## 21: Social Values

### **Comment:**

- Some people may feel that allowing off-route travel detracts from an area's scenic beauty. The section under 7. SOCIAL IMPACTS explains why some people feel this way "...the way people feel about this issue is often tied to their core values and beliefs." A survey of people visiting the Forest would help identify how people truly feel about off-route travel than a broad statement about how people feel.

**Letter #:** 101

**Response:** *As funding allows, such a study would indeed be useful. In part, the comments made during the public participation process offered a good cross-section of such public sentiment. The range and intensity of the comments seemed to support the assertions made in the DEA's "Social" section (DEA pages 106 through 109).*

### **Comment:**

- The Social Impacts section uses examples from outside the region to describe user conflicts. This is beyond the scope of the EA and should be removed. I am well aware of the examples reported and know the parties involved. The two examples are among the most divisive and contentious in the West. There is no reason to believe that relations between user groups in the Medicine Bow are as bad as those in Utah and Montana. By assuming that they are, the EA could stimulate user conflict that does exist in the area, making travel management more difficult.

**Letter #:** 127

**Response:** *Judging from the intensity of feelings, on both sides of the motorized access question, comments made during the public participation process for this analysis indicated that the level of user conflicts is quite intense on the Medicine Bow National Forest.*

## 22: Opposed to Alternative 3; It's Too Restrictive

### **Comments:**

- I strongly oppose Alternative 3 for two reasons. First, it makes it impossible to set up a camp a tolerable distance from a road without having to haul gear a long distance. Likewise, for those who, out of physical necessity, must confine their big game hunting to close proximity to a road it makes it unlikely that they can get a vehicle close enough for practical game retrieval.

**Letter #'s:** 32, 49, 72, 150

- When the white-arrow program was initiated in 1985, the off-road travel restriction was set at 300 feet for (1) camping (2) gathering firewood and (3) retrieving big game (without horses), etc. This I regarded as an absolutely ridiculous restriction. So now that it is proposed to reduce 300 feet to 100 feet, what can I say? Stupendously incredible!!.

**Letter #'s:** 34, 48, 55, 103, 123, 131, 177

- I can also see a beneficial use of travel over 300 feet off a road by someone gathering fire wood if it is a one time use and live trees are not cut.

**Letter #'s:** 61, 73

- Limiting people to 100 or even 300 feet off the road does not allow for very much room to gather wood (what happens when the wood is picked over and people must go further into the forest to get more wood?). Also retrieving a large game animal over the 300 foot mark would be virtually impossible for any one without a horse. ATVs do far less damage to the forest than the hooves of horses and cows.

**Letter #'s:** 173, 174

**Response:** *Thank you for your comment. During the scoping period for this analysis, many people commented that allowing motorized travel 300 feet off of existing routes was too lenient. Consequently, Alternative 3 was developed to address such comments.*

## **23: Heritage Resources**

**Comment:**

- As far as "heritage resources", the restrictions on these are already too severe. Removal of artifacts can perhaps cause a few minor problems, but for the most part if a person finds something of this sort, it may never again be seen by human eyes if it is not collected immediately. There is no significant value in leaving these to be lost forever or destroyed by nature.

**Letter #:** 33

**Response:** *The restrictions on the collection of artifacts and other cultural resources proposed in this EA are standard for all federal lands. The effects of the removal of artifacts has been studied for many years and has resulted in the development of several federal laws and regulations which were enforced specifically to protect these important non-renewable resources. These federal laws include the National Historic Preservation Act as amended through 1992 (16 U.S.C 470, 36CFR800), Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469), Archeological Resources Preservation Act of 1979 (16 U.S.C. 470), Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001), American Indian Religious Freedom Act of 1996 (42 U.S.C. 1996), and the Antiquities Act of 1906 (16 U.S.C 431-433). In addition, the Code of Federal*

*Regulations which governs prohibited public activities on Forest System lands (36CFR261.9(g)(h)) prohibits the public from removing any prehistoric, historic or archaeological resource, structure, site, artifact, or property. To do so is considered theft of Government Property. Surveys for heritage resources are conducted prior to any project conducted on Forest System lands. These surveys are dependent on artifacts located on the ground surface. Removal of artifacts from the surface often causes the survey crews to miss sites altogether, which means that important resources are missed and then may be destroyed by the project when implemented. In addition, significant cultural resources are placed on a monitoring schedule and are revisited by professional archeologists to monitor effects to these sites. Although these monitoring efforts may not be a highly visible management tool, they do occur and have given us scientific evidence of the adverse effects of public artifact collecting.*

#### **24: Areas Prioritized for Site-Specific Analysis**

##### **Comment:**

- On Pages 28 and 29 is a reference to 'site-specific travel management analyses' listing Holroyd/Cunningham Park in the Sierra Madre as one of the priority areas. I have hunted for many years in the Bear Mountain area, the main access to which is through Holroyd/Cunningham Park. I am very familiar with all of the roads in this area. If this is on the priority list, I presume there is perceived to be some kind of problem. I would appreciate it if you could let me know what specifically makes this a high priority area for analysis as I may have some suggestions.

**Letter #:** 41

**Response:** *This area was listed because the terrain is full of open parks, with close proximity to Bear Mountain, which is closed seasonally for wildlife protection. Other similar low elevation areas in the Sierra Madre have already been analyzed, and in many cases, white-arrow restrictions are in place. The higher elevation sites are generally more timbered which restricts easy off-route travel. In addition, the soils in the lower portion of the Holroyd/Cunningham area are a concern because they are subject to rutting and resource damage.*

##### **Comment:**

- A final analysis or review could be made this fall as to the effectiveness of partial travel restrictions in addition to effective enforcement and education efforts. If that is not successful then I would support stricter motorized travel restrictions within the forest. In conclusion, I would like to see travel restrictions imposed in stages and selected areas thereby giving the public a chance to respond and act more responsibly.

**Letter #:** 123

**Response:** *Thank you for your comment. Although all of the action alternatives (the Proposed Action and Alternatives 2 through 4) propose Forest-wide travel regulation changes, no roads/trails would be opened or closed without further public discussion and disclosure. Such site-specific analyses would occur during Phase II of our analysis, as outlined on page 29 of the DEA.*

**Comment:**

- I appreciate the EA's proposed action will not open or close any existing roads or trails in the areas now managed for open travel. It is very important that this decision be made on an area by area and site-specific basis.

**Letter #:** 127

**Response:** *Thank you for your comment.*

**Comment:**

- The DEA and Proposed Action do not consider ORV damage or ``user-created" road and trail problems in the Pole Mountain region of the MBNF. However, this area has suffered some of the most serious ORV damage and illegal road development on the Forest. The scope of the NEPA document and proposal should be broadened to include this part of the Forest and find ways to correct the ORV problems there.

**Letter #:** 129

**Response:** *The DEA did not display the effects of ORV use in the Pole Mountain area because Pole Mountain currently has a White Arrow program in place. The EA was developed specifically to address regulation changes in areas where no travel regulations currently exist. Despite existing regulations, however, page 29 of the draft EA does acknowledge ORV problems in the Pole Mountain area. As such, it was identified as a priority area for the completion of a site-specific travel management analysis (see draft EA, page 29).*

**25: Information That Is Missing or Misleading in the Environmental Assessment**

**25a: The EA Needs to Display a Map of All Roads Open to ORV Use**

**Comments:**

- The flaw in the EA as presented is that despite the numerous maps and tables one of the most important, a map which shows all of the roads and their matching corridors for off road travel, is missing. An examination of this map would undoubtedly reveal several important features about roads in the Medicine Bow. Among these which is that the Medicine Bow National Forest is far too fragmented by roads as it is and that there is little opportunity for off road recreation.



**Letter #:** 42

- Since a key concern of ORV users is accessibility, the USFS should provide additional maps showing how many areas are within 1/4 and 1/2 mile of an existing USFS-constructed road. The DEA presents some tabulated data on these areas (page 71), but this is not very useful. It would not take much effort to present these data in graphical form, and it would greatly help the public understand the existing "accessibility" on the Forest.

**Letter #'s:** 54, 129

**Response:** *One effort being done in conjunction with this travel management analysis, which has been in progress for several years, is an attempt to identify and map all existing roads and trails. This process will continue for some years into the foreseeable future. As these roads are identified and mapped using global positioning system (GPS) technology, they are being added to maps currently available at MBNF offices. This is a continuing process. As far as off-road travel is concerned, it simply is not possible to map all off-road travel. When this off-road travel results in the development of user-created roads, these roads are part of this mapping effort.*

*The data in Table 15 on page 71 in the DEA depict acres and percent of the MBNF, by mountain range, that are greater than one-half mile from a motorized route. Simple math reveals that 80% of the Snowy Range, 76% of the Sierra Madre, and 58% of the Laramie Peak area are within one-half mile of a motorized route. Maps 9-11 on pages 94-96 show blocks of habitat at least 250 acres in size and are at least one-half mile from an open road. These maps also show areas that are at least one-fourth mile from an open road. The data presented in Maps 9-11 are presented tabularly in Table 20 on page 93 of the DEA by mountain range and by WGFD elk hunt area.*

<b>25b: Distance to Roads is Misleading</b>
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**Comment:**

- The last sentence on page 70 is misleading. It infers that any animal killed would be carried or dragged a distance of approximately 1/2 mile to a waiting vehicle. This is usually not the case; terrain, accessibility of that road, amount of downfall, rockiness, and the like make it very seldom that the straight line to the truck is the most friendly. Usually, one must negotiate an animal much farther than the half mile cited. Again, the elderly or handicapped are locked out of a reasonable chance at getting their animal.

**Letter #:** 48

**Response:** *Based on the information contained in Table 15 of the EA (page 71), we do not feel that the last sentence on page 70 is misleading.*

**25c: The EA Should Display Management Areas Wherein Off-road Travel is a Problem**

**Comment:**

- The E.A. does not identify the Management Areas where off-route travel is creating problems. It is not possible to determine if either the off-route travel is in violation of the Forest Plan or not within the 70 percent of the Forest open to off-route travel. The statement ``Even though the creation of new routes by Forest users is prohibited in open areas.." is not accurate. It is allowed in some Management Areas unless restricted.

**Letter #:** 101

**Response:** *According to 36 CFR Part 261.10a, it is prohibited to construct, place, or maintain any kind of road or trail, structure, fence, enclosure, communication equipment or other improvement on National Forest System Lands or facilities without a special-use authorization, contract, or approved operating plan. Therefore, the Commentor is incorrect in his assertion.*

**Comment:**

- The number of acres in each Management Area of the Forest Plan needs to be displayed.

**Letter #:** 101

**Response:** *Thank you for your comment. We did not feel that this information was necessary or pertinent for this analysis.*

**25d: The EA Does Not Address Management Areas and the Recreation Opportunity Map**

**Comment:**

- Section 7. SOCIAL IMPACTS addresses the social issues concerned with travel management. But it deals with the problem in a general way. The Forest Plan attempts to provide specific solutions to the conflict between motorized and non-motorized Forest users. It does this by dividing the forest into Management Areas and providing a Recreation Opportunity Map. However, the average recreating public would find it very difficult to know where these areas are located other than designated wilderness areas. If a person is hiking in a 2A area and encounters an ORV what will they think? The ORV shouldn't be there? The E.A. doesn't address Management Areas or the Recreation Opportunity Map. The Forest map sold to the public gives the impression that all areas are open to any activity. This is not true if the Forest Plan is still in effect.

**Letter #:** 101

**Response:** *The EA does address management areas through portions of the document; they are discussed where discrepancies exist with management area prescriptions. The DEA states that the Forest is not in compliance with the Forest Plan in Semi-primitive Non-motorized areas. In 1998, the Forest produced and made available to the public a new Forest map and it does not give the impression that all areas are open to any activity as the older map did.*

**25e: EA Table 13 is Misleading**

**Comment:**

- Table 13. is misleading because game retrieval is normally done beyond 300 feet of a road. Dispersed camping and firewood gathering are primary uses within 300 feet of roads.

**Letter #:** 101

**Response:** *The Forest Service agrees with the Commentor's general description of current off-road motorized activity use patterns. However, the proposal would change that pattern. The amount of area available for off-road motorized activities, including game retrieval, would change. The amount of area available for any type of off-road activity varies by alternative. The proposed travel regulation changes would affect 762,670 acres of the MBNF that currently have no off-road motorized travel restrictions. The figures in Table 13 (and also Table 23 on page 100 in the DEA) show what portion of the 762,670 acre area affected by the decision that would still be available for off-road activities by alternative. The values in these tables vary by alternative and are discussed on pages 54 and 81-100 in the DEA.*

**25f: The EA Needs to Identify Acres Not Available to Off-road Travel Due to Natural Barriers**

**Comment:**

- 762,670 acres or 70 percent of the MBNF may be open year-long to the use of motorized travel on and off Forest Development Roads and Trails. A smaller percentage is available off-routes due to inaccessibility. This is due to adverse slope, water bodies, heavy downfall in timber stands, regenerated areas of lodgepole pine, thick lodgepole pine stands, rock and other natural barriers. A map developed from the RIS database would help depict these areas. The E.A. needs to identify the number of acres that are not available to off-road travel [due to these natural barriers].

**Letter #:** 101

**Response:** *Thank you for your comment. You are correct in stating that certain areas within the 70 percent of the Forest currently open to off-road travel may be inaccessible due to natural barriers. However, the EA was prepared to specifically address travel regulation changes. Consequently, we did not feel that it was necessary to provide such detailed information.*

**25g: The EA Needs to Display Maps of User-created Routes**

**Comment:**

- Maps showing the locations of user-created roads and trails creating resource damage need to be available to the public.

**Letter #:** 101

**Response:** *We do not maintain a set of maps displaying roads and trails wherein resource damage is a problem. Normally, when a problem area is identified, the road crew is notified and the problem is corrected if it can be fixed with routing road maintenance dollars and without a low of accompanying paperwork. If a larger scale problem has developed, projects are submitted to compete for scarce dollars. There are a variety of sources of money with different requirements for submittals, and every office has a slightly different process for submitting projects. However, as previously mentioned, there is no single map showing problem areas.*

**Comment:**

- Other maps which would be useful include one showing the locations of all known ``user-created" roads and trails on the Forest, and one showing (collectively) all roads and trails on the Forest (including open ones, closed ones, and ``user-created" ones).

**Letter #'s:** 129, 134

**Response:** *Our database does not contain a field called "user-created." We do not differentiate between Forest Service created and user-created routes. Rather, they are defined by other characteristics, such as functional class (arterial, collector, or local), maintenance level, surface type, etc. Many so-called user-created routes date back to old mining roads, and are not just an OHV phenomenon. Some user-created routes provide an experience that the Forest Service wishes to, and is obligated to, maintain. Many Forest users seek that primitive road experience because they are seeking solitude and a respite from development.*

*Because we cannot query the database for user-created routes, it is not possible to create a map showing only these routes. We do, however, have comprehensive maps showing all routes, including those in the "unclassified" category. User-created routes are included in the unclassified category. The comprehensive maps have not been included in the EA in the interest of conservation and economics.*

**25h: EA Table 5 is Misleading**

**Comment:**

- Table 5 on page 39 is very misleading as it would apply to the use of ATV's for game retrieval on Forest lands. The use of statistics that included many thousands of acres of private and State owned lands to justify decisions regulating Forest lands is deceiving and very much wrong. My primary area of concern is Elk Hunt Areas 10, 11, and 12 within

the Snowy Range. The Wyoming Game and Fish records for 1997 conclude that there were 3,538 hunters with a total success of 910 animals both on and off Forest lands. Their records for the deer harvest in this general area (less than 50 animals on and off forest lands) are insignificant as it would relate to game retrieval with ATV's. As an example and for the sake of discussion say 75% of these elk were taken on Forest lands and 50% of those were retrieved by ATV this would equate to 342 animals or 1 per 630 acres (refer to Hunt area total acres, table 18, page 86) or 1 animal per square mile (approx.). This example reflects the very minimal impact of ATV's on Forest lands if used for game retrieval only. For 1999, once again, the Wyoming Game and Fish Department has increased the number of days in the elk seasons and increased the opportunity of success with more days of ``any elk" on a General license. This action is a result of high numbers of elk and a low hunter success rate. The implementation of Alternative #2 is the only option that will have a positive effect on this situation.

**Letter #:** 102

**Response:** *Table 5 does not attempt to apply the number of hunters and recreation days listed to the use of ATVs for big game retrieval on Forest lands. All it is meant to show is the change in hunter numbers and days spent in pursuing that activity from 1985 through 1997.*

<b>25i: The EA is Unclear Regarding How Many User-created Routes Would Become Part of the FTS</b>
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**Comment:**

- The DEA is unclear - perhaps deliberately so - about how many ``user-created" routes would eventually be marked for motorized use. For example, nowhere in the DEA can one find a tabulation of how many miles of ``user-created" roads and trails will (or would likely) be added to the Forest Transportation System under the proposed action. This is a glaring omission in the light of the fact that the DEA gives readers mixed signals about what would be done with ``user-created" routes. On one hand, the DEA indicates that all ``user-created" roads and trails are being mapped and added to the Forest Transportation database. See, e.g., DEA, page 32. This can be construed as an admission that all ``user-created" roads and trails would be added to the Transportation System unless closed at a later date. If this is what the USFS is intending for the Bow, the proposed action would constitute the largest collective addition of roads and trails to the MBNF Transportation System.

**Letter #:** 129

**Response:** *While user-created roads and trails are being inventoried and added to our database as unclassified, decisions about if, which, or how many of these user-created roads will be added to the Forest Transportation System (FTS) are not being made as a result of this EA. Decisions about which user created roads will*

*be added to the FTS, closed, or proposed for decommissioning will be made during the Phase II site-specific analyses and only after the careful consideration of the potential impacts, costs, uses, and benefits mandated by the Chief's Roads Analysis Process.*

**Comment:**

- The EA provides no description of the conditions and the locations of the routes being added to the database and proposed for "designation." How can the FS add such routes to their system or designate such as open to motorized travel without an assessment of their condition? Most likely the user created routes being added are not up to the various water, soil, surface, etc. standards for roads and trails yet the conditions of these routes are not presented within the EA. It would be helpful to the public if the FS would provide the miles and percentage of roads/trails designated, development, user-created, and system for the current situation, proposed action, and the alternatives.

**Letter #:** 167

**Response:** *While user-created roads and trails are being inventoried and added to our database as unclassified, decisions about if, which, or how many of these user-created roads will be added to the Forest Transportation System (FTS) are not being made as a result of this EA. Decisions about which user-created roads will be added to the FTS, closed, or proposed for decommissioning will be made during the Phase II site-specific analyses and only after the careful consideration of the potential impacts, costs, uses, and benefits mandated by the Chief's Roads Analysis Process. The only decision being made through this analysis is whether to restrict future off-route vehicular use on approximately 70% of the Forest. The number of miles of system roads and trails will not increase or decrease as a result of any of the alternatives in this analysis. The potential increase or decrease in the number of miles of user-created roads/trails for each alternative is disclosed throughout the "effects" portion of the DEA.*

<b>25j: The EA is Unclear Regarding Whether Or Not User-created Routes Will Be Added to the FTS</b>
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**Comment:**

- The Draft EA claims that under the proposed action the USFS is "not making decisions about which roads or trails should remain open as a result of this analysis." DEA, page 13. This seems to suggest none of the "user-created" roads and trails would be added to the Transportation System now, and that the USFS is intending to make future decisions about whether to open particular "user-created" roads and trails for use. But the sentence could also be read to mean that all of the "user-created" roads and trails would be added to the Forest Transportation System now, and that the USFS is intending to make future decisions about whether or not to close particular "user-created" roads and trails. Furthermore, the DEA's claim that the USFS's analysis will result in "decisions about which roads and trails should remain open" is not the same thing as saying that "user-created" roads and trails will not be added to the Forest Transportation System. The only thing that becomes clear from reading the DEA: for the key element of the proposed

action - what the USFS is intending to do with ``user-created" roads and trails - the agency has not clearly and unambiguously stated what its intentions are. This is such a serious flaw in the DEA that a revised draft EA (or supplemental draft EA) should be circulated to the public so they can understand just what it is the agency is proposing to do and submit meaningful comments on the proposal...The DEA also contains three paragraphs (on pages 65 and 66) in a section entitled Cumulative ``Effects of Adding User-created Roads to the Transportation System." In this section of the DEA, the agency states that ``The inclusion of illegally created roads and trails into our travel network may also encourage continued disregard for existing rules and regulations concerning travel management." DEA, page 66. This discussion in the DEA would not be needed unless the USFS were intending to add ``user-created" roads and trails to the Transportation System.

**Letter #:** 129

**Response:** *The Forest Service agrees that the section titled "Effect of Adding User-created Roads to the Transportation System" was unintentionally misleading and has modified it. While user-created roads and trails are being inventoried and added to our database as unclassified, no user-created roads or trails will be added to the FTS without a thorough analysis of their potential impacts, benefits, and costs in accordance with the Forest Service Chief's road analysis requirements.*

**Comment:**

- It is unclear at some points within the document what is being analyzed for this project. On page 57, the EA states, ``Any decisions made as a result of this analysis would apply strictly to off-road travel. No roads would be closed as a result of this analysis, and all roads which are currently open would remain open." It is unclear if trails are a part of this. I understood the project as being all routes but this sentence confuses me on this point. The statement is not in line with the rest of the document. While it is true that the document is addressing off-road travel, it is also addressing travel on existing system roads. The document is restricting travel to routes which include user created routes.

It is also unclear within the draft the percentage of roads versus trails on the Forest. When discussing/describing Alternative five, the authors state that ``currently most of the user-created routes are in the form of trails." However, the general descriptors used to describe these user-created routes in other places in the EA would lead the reader to believe most of the routes are actually roads. On page 32, the EA states that ``this time, new technologies such as global positioning system (GPS) units, were used to accurately map non-system roads, and these routes were also added to the database. Which is proposed to be designated as open, roads or trails?

**Letter #:** 167

**Response:** *This document is not intended to address travel on existing routes. Site-specific decisions about appropriate uses for existing routes will be made during the Phase II analyses. The intent of this decision is to address off-route travel only, and yes, those routes include trails.*

*Since the site-specific analyses about the appropriate uses for inventoried routes have not yet been completed, we do not know whether or not some routes will be designated as roads or as motorized trails with restrictions on vehicle size. At this time, all existing routes (roads and trails) will remain open.*

<b>25k: Roads vs. Trails</b>
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**Comment:**

- For the purposes of the Proposed Action, the DEA improperly defines "user-created" to mean only those travelways created through repeated use which are over 48 inches in width. This may be an acceptable definition for a "user-created" road, but it is entirely inappropriate for addressing the issue of "user-created" trails. Most trails on the Forest are narrower than 48 inches and many are causing significant resource damage. 36 CFR 261.10(a) prohibits construction and maintenance (i.e., repeated use) of any type of trail on NFS lands, including trails narrower than 48 inches in width. The USFS should expand the scope of the NEPA document - and Proposed Action - to address the significant problems associated with the illegal construction and maintenance of all ORV trails, not just the wide ones.

**Letter #:** 129

**Response:** *The Forest Service agrees that the definition of user-created should be expanded to include both user-created roads and trails. This oversight has been corrected. The only decision being made through this analysis is whether to restrict future off-route travel. Specific problems associated with use on existing trails will be addressed during the Phase II site-specific analyses.*

**Comment:**

- There are many problems with clarity within the document. The definition of "designated routes" includes user-created roads and trails. The glossary also contains a definition of Forest Development Road. In other places in the draft, the term "system" is used. What does each term mean in relation to each other? Are the illegal, unauthorized, user-created routes currently "designated"? If not, are they currently open to motorized use? Are the terms "designated" and Forest Development Road synonymous? If not, what is the difference? Does the act of "designating" routes automatically make them open for motorized use? Does the act of "designating" routes automatically make them Forest Development Roads?

**Letter #'s:** 134, 167

**Response:** *These terms do need clarification. Roads policy within the Forest Service is getting increased attention, and definitions are being refined. The term "system" may have been used in the draft document to refer to the entire inventory of routes. However, "system" routes are specific routes that have been evaluated and determined to*



*serve a valid need. Consequently, they have been designated as Forest Development Roads (FDRs) or Trails (FDTs).*

*In contrast, the "inventory" completed for this analysis includes both "system" and "unclassified" (non-system) routes. Routes that have been inventoried, but have not yet been evaluated through NEPA are coded as "unclassified" until a determination is made about whether or not the route should be added to the transportation system or if it should be decommissioned. According to the latest definition of "unclassified," routes that have been evaluated and determined decommission candidates are listed as unclassified until the road is actually decommissioned. A third category of unclassified routes includes routes that have already been decommissioned. These categories enable the Forest Service to track those routes for effects analysis. For example, the hydrologist needs to know the location of decommissioned routes for determining sediment production.*

*The term "illegal road" implies that some illegal activity took place when the road was created. Under existing regulations, off-route travel is legal. It is also legal to drive on an established route. Before the Forest Service can identify a road as illegal, we must determine at what point the illegal activity occurred. In most cases, the development of user-created routes was not a pre-meditated violation of Forest Service regulations. Many of them pre-date NEPA (1969). Selecting the Proposed Action would make off-route travel a clear violation - a situation that does not now exist.*

*"Designated" refers only to roads signed on the ground. Not all designated routes are FDRs. All inventoried routes are currently "designated" until a site-specific NEPA analysis for the route is completed. This is because this proposal deals specifically with restricting off-route travel only. We do not intent to make decisions about specific routes until site-specific analyses, including a comprehensive effects analyses, are completed. That includes making decisions about which routes to close. It would be cost-prohibitive and take 5 to 10 years to analyze all routes on the Medicine Bow National Forest under one analysis. In the meantime, off-route use would continue to be legal, and user-created routes would continue to proliferate.*

## **25l: Elk Security Area Maps are Misleading**

### **Comment:**

- The DEA maps (pages 94-96) purportedly showing Elk Security Areas are misleading. These maps claim to show areas which are at least 1/2 mile from "open roads" and areas at least 1/4 mile from open roads. However, the maps apparently only depict USFS-created roads and do not include "user-created" roads and trails that would be classified as "open" under the Proposed Action. When "user-created" roads and trails are factored in, the MBNF would have far fewer "security areas" than are suggested by the maps. The maps also fail to consider habitat conditions such as the presence of trees. For example all of the alpine areas in the Snowy Range are shown as "security areas" even though they do not provide any Elk security at all. The maps therefore misleading the public into believing there are abundant security areas, when this is not really the case. If clearcuts and natural openings are considered, the maps would show the MBNF has very

few "security areas." Finally, the maps do not consider "closed" roads, which are used by hunters and do reduce Elk hiding cover. When closed roads are considered, again, one finds very few places on the MBNF where Elk and other wildlife species can find adequate cover and security.

**Letter #:** 129

**Response:** *The analysis displayed in Maps 9-11 on pages 94-96 in the DEA includes both Forest Service constructed roads as well as user-created roads. Some of the existing user-created roads originated as trails and wagon routes in the late 1800's. User-created routes have been established throughout the 1900's. Most of these older, historic routes are already in the Forest's roads database, and have been for a long period of time. The analysis incorporated all the known roads that had been inventoried and included into the database at the time the analysis was done. It is correct that some of the more recent user-created roads have been identified since the analysis was done, and thus are not included in the analysis. As with any analysis of this nature, the database must be "frozen" at some point in time in order to actually perform the analysis. It is felt that a high percentage of all existing roads (well over 90%) are included in the analysis. A database containing this type of information is dynamic by nature. Roads will continue to be identified, inventoried, and added to the database through time. Roads will continue to be constructed for future projects such as timber sales. Most or all of these roads will then be decommissioned. Some existing roads will be closed or decommissioned in conjunction with future Phase 2 travel management analyses. All of these factors contribute to the dynamic nature of the roads database.*

*It is correct that we did not include "...the presence of trees" in the analysis of security areas. The definition of security areas, following Hillis et al. (1991), is given on page 82 of the DEA. On page 83 in the DEA, it is disclosed that only one criterion, open motorized roads and trails, was being used to analyze elk security in the two site-specific analyses (note: the 250 acre size limit was also included in this part of the analysis). On page 93 of the DEA it is again disclosed that the criteria used in the analysis of security areas by mountain range and WGFD elk hunt area included blocks of habitat at least 250 acres in size and at least one-half mile from an open road.*

*These two variables were used in the analysis because they are the only specific, quantified variables identified by Hillis et al., and that lend themselves to a GIS analysis. In their article on defining elk security, Hillis et al. state that "Vegetation density, topography, road access, hunter-use patterns and elk movements are variables that must be considered when applying these guidelines." In the section on the application of the management guidelines they "...suggest that security areas should be  $\geq 250$  acres in size,  $\geq$  one-half mile from an open road, and should comprise  $\geq 30\%$  of a valid analysis area. Unquestioning adherence to these guidelines may lead to serious misapplications and should be avoided. We believe the guidelines are properly applied when used to compare relative security levels in an analysis unit over time or to compare and evaluate the cumulative impacts of various timber-harvest alternatives on security." Of these three specific variables, the " $\geq 30\%$  of a valid analysis area" variable was not used since the proposed action does not involve any vegetation treatments or any new road construction, and really is irrelevant to the scale of the analysis and decision. The other two*

*variables were used in the analysis. Even using only these two variables, Table 17 on page 83 of the DEA shows that security areas make up only 10-20% of the two areas selected for more site-specific analysis. In addition, Table 20 on page 93 of the DEA shows that only 32% of the Sierra Madre, 25% of the Snowy Range, and 42% of the Laramie Peak area qualify as security areas based on this analysis.*

*It is correct that the figures in Tables 17 and 20 would be considered maximum values. The Commentors go on to suggest that these security areas could be reduced by other factors. The Forest Service agrees. However, Hillis et al. (1991) do not specifically quantify any of the other factors the Commentors mention. For example, the authors state that vegetation density is a factor to be considered when applying these guidelines. They also mention use of "dense cover" during hunting season, they mention that security areas "...may consist of several different cover-types if the block is relatively unfragmented," and that "wallows, springs and saddles may require more cover than other habitats because both hunters and elk recognize and target these destinations," and that "...regenerated cutting units that provide reasonable cover might be found within an effective security area." They do not give specific, quantifiable recommendations for any of these features which would lend themselves to GIS analysis. They do not identify what "several different cover types" could include. Does it mean that an area that provides security can include natural openings? These types of qualitative evaluations lend themselves to smaller scale, more site-specific analyses.*

*Hillis et al. (1991) also suggest that terrain features can mitigate impacts of roads to some degree. When cover is poor and terrain is gentle, it may require a distance > one-half mile from open roads before security is effective. Conversely, if the security area is hidden or difficult to reach from a road, elk may find security in situations < one-half mile from an open road. The authors also suggest that "Roads may be closed (to motorized travel) to provide security and a buffer between security areas and open roads. However, the minimum distance between open roads and security areas increases as closed-road densities increase within both the security area and buffer." In other words, closed roads may reduce the quality or effectiveness of the security areas. Once again, the authors do not provide specific, quantifiable guidelines for any of these habitat features that lend themselves to GIS analysis.*

*In summary, this discussion serves as the basis and rationale for using only the 250 acre limit, and beyond one-half mile of an open road criteria in the analysis. Once again, it should be pointed out that Hillis et al. (1991) recommend that these quantitative and qualitative guidelines be applied within a "valid analysis unit." These two criteria are probably the only ones that really lend themselves to a large-scale, Forest-wide, programmatic level analysis. Maps 9-11 and Tables 17 and 20 do portray the relative magnitude of existing roads and past management activities, and do show what remaining areas exist that are potentially susceptible to further impacts from off-road motorized traffic.*

**Comment:**

- Research needs to be done on breeding periods for elk. Since the archery season finishes up right when rifle season starts, hunting must be affecting breeding success.

**Letter #:** 179

**Response:** *Breeding periods for elk are known. It is correct that some rifle seasons, specifically the limited quota cow seasons, open at the conclusion of archery season. The general license rifle season opens approximately two weeks after archery season. It is also a general assumption that elk are more vulnerable during breeding season, which coincides primarily with archery season. Whether or not hunting during breeding season represents a negative impact to breeding success is open to question, and is beyond the scope of this analysis. WGFD manages hunting seasons within the state of Wyoming, and therefore is beyond the jurisdiction of the USFS.*

<b>25m: 2 Phase Process</b>
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**Comment:**

- I believe the two step process needs to be structured differently to adequately address issues of wildlife habitat effectiveness, resource damage, and other concerns described in the Purpose and Need and Scoping sections on pages 10 and 14 of the EA. Step one needs to be presented as part of a commitment to undertake step two, rather than as a seemingly one-time action, with step two mentioned almost as an afterthought in notes and text on pages 9, 25, 28, and 33.

To avoid misleading readers, restricting off-route use needs to be presented right at the outset as the first of two steps, the second being whether to add or delete user-created routes from the travel system. As it is, the document creates expectations about permanent ``additions" of routes, which will be difficult to reverse.

These misleading expectations are furthered by the wording on page 65; ``Adding User-created Roads to the Transportation System" and other phrases in the EA, which suggest that continued motorized use of these routes will be permanent. Instead, the non-system routes should be termed ``study routes" or some phrase indicating they are provisional and potentially subject to closure by future analysis.

Lack of funding and inventories should not be an obstacle to clearly committing to a full site-specific analysis of route closures. Such plans should be presented in detail at the beginning of the EA, not as scattered notes, along with a specific time-frame for immediate implementation. Otherwise, the document reads as if step two is an uncertain hope for an indefinite future. Failure to commit to step two in the EA will become a self-fulfilling prophesy.

**Letter #:** 134

**Response:** *The Commentor makes some excellent points. The Medicine Bow National Forest is very committed to travel management and is already considering how to accomplish Phase II analyses in its out-year budgeting process since site-specific analyses must occur no matter which alternative is selected. We recognize that the site-specific analyses are critical as is this current analysis. We felt the two step process would be more manageable with a greater chance for success. Other*

*National Forests have not been successful when combining a programmatic decision to eliminate off-route travel Forest-wide with site-specific decisions about every route.*

*This EA addresses Phase I of a long-term travel management strategy on the MBNF and deals only with off-route travel. It does not involve opening or closing existing routes (unless they are causing unacceptable resource damage) nor does it add any routes to the system. It is simply an attempt to eliminate further development of user-created routes.*

*The second phase of the travel management strategy is intended to address the site specific questions about which routes are appropriate to keep open, which ones to close or decommission, and what types of uses are appropriate on remaining routes. This issue is getting a lot of attention nationally, and our Phase II analyses will be consistent with national direction, with input from our many users. The MBNF has many miles of travel routes, and analysis for Phase II will require intensive study of road densities, resource goals, effects to resources, accessibility, and social and economic needs and impacts. These analyses are expected to continue well into the foreseeable future, and in fact, have been ongoing. In the meantime, the proposal under Phase I is to eliminate the further proliferation of user-created routes.*

**Comment:**

- The EA needs to correct the highly misleading impression that the Forest is proposing to ``add" hundreds of miles of user created routes to the system. The EA needs to clarify that ``adding" routes to the inventory does not imply that these routes are being ``added" to the Travel System.

**Letter #:** 134

**Response:** *The Forest Service agrees and has modified appropriate sections of the document to clarify our intent to inventory all user-created routes, designate them in our database as unclassified and determine whether or not they will be added to the Forest Transportation System during Phase II, site-specific analyses.*

<b>25n: Definition Clarification</b>
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**Comment:**

- The terms ``designated routes", ``user-created", ``system" need clarification.

**Letter #:** 134

**Response:** *The Forest Service agrees and has added a definition for system to the glossary, and modified the definition of user-created. The draft definition of designated routes appears adequate for our purposes and has not been modified. Please see our response to Comment Code 25k for further understanding of the relationship of these three terms to each other.*

#### **25o: Hunting As a Recreation Activity**

**Comment:**

- On page 49, the document lists the primary recreation on the Forest in the Sierra Madres, but does not include hunting as a primary activity, even though it states that Forest use increases dramatically in the fall during hunting season. The Sierra Madre elk and deer herds attract thousands of hunters each fall and is probably the activity that attracts the most users.

**Letter #:** 164

**Response:** *The statement "...recreation use is low in the summer and increases dramatically during the fall hunting season," was intended to convey the realistic situation pointed out in this comment.*

#### **25p: Resource Damage from ORV Travel**

**Comment:**

- Alternatives 2 and 3 include the phrase that motorized off-road travel can occur "provided resource damage does not occur." This phrase has been omitted from the proposed action (p. 20-21), and should be included as a condition in all alternatives to reduce potential resource damage.

**Letter #:** 164

**Response:** *Thank you for your comment. Omitting the phrase "provided resource damage does not occur" was an oversight and was corrected in the final EA.*

#### **25q: Forest Service Roads Needing Maintenance**

**Comment:**

- The document does not provide a number on how many roads and trails need maintenance, need to be brought up to road and trail standards and need signing. It is unclear if the numbers presented within the EA include the user-created routes that will be opened as a result of the proposed alternative. As a result, the document does not provide a reliable picture of what the financial burden brought by upgrades, maintenance, and signing will be.

**Letter #:** 167

**Response:** *The EA addresses travel regulation changes only; it does not address opening or closing existing routes (unless they are causing unacceptable resource damage). Consequently, numbers relating to how many roads and trails need maintenance and need to be brought up to standard were not necessary for the analysis. However, the cost of signing ``user-created" routes so that they could continue to be used until site-specific analyses are completed was necessary and was displayed on pages 68 and 69 of the DEA.*

*Road/trail miles displayed in the DEA apply to Forest Service created routes only. We are currently in the process of completing our inventory of user-created routes; thus, that information was not available when the DEA was released.*

*As stated throughout the DEA, we are not proposing to open or close any existing roads or trails through this analysis. All user-created routes are currently ``open" for use only because we have not yet had an opportunity to complete site-specific travel management analyses to determine their fate. Since they are already open, selection of the Proposed Action would not ``open" user-created roads and trails.*

<b>25r: The Forest Service Should Distinguish Between Types of Forest Users</b>
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**Comment:**

- The E.A. reports increased use of motorized use on non-motorized trails with the resulting conflicts between users. It doesn't state whether or not the trails are signed to prevent this type of travel. Similarly, the E.A. doesn't address whether non-motorized users are using motorized trails. The problem again is whether or not adequate management is being done to mitigate this problem. How was the doubling to tripling of ATV's used for this activity measures? Monitoring has not reported this.

**Letter #:** 101

**Response:** *Motorized and non-motorized trails are marked on the ground stating type of use allowed. Also, on the 1998 Forest Map Trail Index, we show types of uses allowed. Motorized trails, in most cases, are open to non-motorized uses. As it relates to trails, adequate management to signing the types of uses allowed is being managed for and is used to mitigate conflicts. The problem we have is that people not adhering to regulations and/or are removing signing that designates type use.*

*ATV use has increased dramatically, and we have witnessed this by the number of summer recreationists and hunters towing trailers loaded with ATV, parked at camp sites, encounters on roads and trails, and off-road travel. There have been dramatic increases in ATV sales, and studies have shown that more and more people are buying and using ATVs on public lands.*

**Comment:**

- Any successful travel management policy must create a positive atmosphere from which to implement its direction. This begins with the programmatic EA. Unfortunately, various descriptions in the existing condition display an institutional bias against

motorized recreation. Numerous references to damage, violations, intrusion on perceived ``sensitive sites'', user conflict with non-motorized recreationists do not support the proposed action. The existing condition should not ignore these issues, but describe them in a way that supports motorized recreation and supports the proposed action. The existing condition fails to acknowledge the difference between the general recreating public and the hunter who uses motorized access. Motorized recreationists look for an interesting, sometimes challenging trail or road, scenic vistas, travel to interesting or scenic features, appreciation for wildlife, and roads and trails that provide loops. Hunters seek their quarry, using motorized transport as a means to this end. In this way, the ATV has replaced the horse, hunters are now taking ATVs where they used to ride horses. Each have different objectives. Education campaigns that will resonate with the recreationists go right over the heads of the hunters and vice versa. Recreationists might readily agree to close a user-created dead end trail from which a hunter can park and walk. These differences should be reported and examined as a part of existing conditions.

**Letter #'s:** 127, 167

**Response:** *We do not believe that we are biased against motorized use on the Forest. Over the years we have provided more motorized trail opportunities and are interested in increasing our motorized trail program. We agree with you that there are differences between the general recreating public and the hunter who uses motorized access; there are differences between all recreationists. Most of the differences are based on ones values, expectations, and types of experiences they are seeking. We touch on these differences throughout the document, but where they are more closely examined is through our scoping process and the comments we receive. Through comment analysis we hope to report and examine these differences.*

## **26: The Proposed Action Will Prevent Children From Learning to Drive**

### **Comment:**

- The Proposed Action will prevent parents from using this alternative for teaching their young children to drive and will prevent me from teaching my future grandchildren. I don't want to miss out on that.

**Letter #:** 43

**Response:** *Maintaining ORV use on established roads within this National Forest does not appear to preclude anyone from teaching a child to drive. This matter is addressed on EA page 17, last paragraph. State laws have always applied to ORV users irrespective of any decisions which may be made in this analysis.*

## **27: Alternative Suggestions**

### **27a: White Arrow Areas for the Disabled**

### **Comment:**



- The physically disabled would like an alternative that designates white arrow roads for the disabled with game retrieval available at any time.

**Letter #: 46**

**Response:** *Game retrieval was considered a ``key'' issue which resulted in the development of Alternative 2. The Proposed Action, in choosing to allow motorized access within 300 feet of roads in most areas, is an attempt to be sensitive to these concerns while likewise being sensitive to the desire for solitude and non-motorized intrusion asked for by others. Further, the Decision associated with this analysis also allows those individuals possessing a ``disabled'' permit from the Wyoming Game and Fish Department to use an ATV to retrieve downed game during big game hunting seasons. While certain restrictions are associated with this decision (e.g. timing restrictions), ample opportunities for big game retrieval should be available to the disabled.*

<b>27b: The Forest Service Should Not Allow Off-road Travel</b>
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**Comments:**

- How are you going to be able to tell if they [the public] really are retrieving game when they're 300 yards off the road and out of site? Also how are peers supposed to know if they are retrieving game, and whether or not to report an incident? If the rule was 'no off-roading' then any off road travel would be illegal and worth notifying the authorities.

**Letter #: 56**

- Many of the problems associated with the proposed 300-foot ORV exemption would be reduced by using a smaller buffer, of say 100 feet or 50 feet. Enforcement might be easier. And fewer resources, and a smaller percentage of the public land, would be subject to significant off-road vehicle damage. Even so, ORV use off the roads could still lead to new ``user-created'' road and trail creation and to significant resource damage to soils, habitat, vegetation, sensitive species (e.g., Clustered Lady's Slipper, Boreal Toad), visual quality, and cultural or historic resources. The only way to prevent this damage -- and the evidence shows it will occur if ORVs are allowed to travel off road -- is to restrict motorized vehicle use to designated routes on the Forest.

**Letter #'s: 56, 129**

**Response:** *Perhaps we are optimistic, but we believe that the majority of hunters will be retrieving game as the regulation would allow. For those who do not, we hope that, through the public's help, as well as through law enforcement presence in the field, the number of violations will be reduced. Both the Proposed Action and Alternative 3, which allow 300 feet and 100 feet off-route motorized travel for the purpose of game retrieval, camping, picnicking, and fire wood collection, respectively were analyzed and take your comments into consideration.*

<b>27c: The Forest Service Should Implement Area Closures</b>
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**Comment:**

- I do realize this proposal is to keep off-road travel to a minimum, but this alone will not work. A national resources is at stake here. I believe that any restriction in regards to off-road travel is a good start, but it needs to be accompanied (quickly) by 'area' closures that will insure biological and physical resource protection. These area closures should be made in order to connect the highly fragmented and minimally sized security areas used by elk during summer feeding grounds and especially fall transition periods...Given the increasing elk hunter numbers, this will be the only way to insure forest raised elk will stay on the forest.

**Letter #'s:** 56, 71

**Response:** *The proposal is a type of "area" closure; however, Phase I does not involve the opening or closing of any existing roads (unless they are causing unacceptable resource damage). That would be associated with future Phase II analyses. The area closures involved with this proposal are in all unroaded areas within the 762,670 acre area identified in the proposed action and affected by this decision. The reasons for proposal include biological and physical resource protection, as identified in the Purpose and Need section in the DEA.*

**Comment:**

- Another option which the DEA ignored is related to disincentives. The reason there has been so much ORV damage and illegal ``user-creation" of roads and trails on the MBNF is because irresponsible ORV users have had nothing to fear for causing this damage. Regardless of what action the USFS considers or implements, there needs to be some kind of mechanism that gives ORV users a disincentive against causing further damage or creating new roads and trails. Unless this is done, the problems will continue. The DEA proposes to increase monitoring and enforcement, but this alone is not enough. Alternative kinds of ``disincentives" the USFS should consider include such things as closing areas and roads to motorized travel when new ORV damage is identified. Posting a sign which says ``This area is now closed to vehicle use because of resource damage" will send a clear message and penalize irresponsible ORV use.

**Letter #:** 129

**Response:** *The Forest Service establishes and enforces its regulations and travel management requirements based on the needs of the resources. When the need for a closure is indicated due to resource conditions, it is accomplished through a Supervisor's Order. While we may respond to continuing inappropriate use through by implementing more intensive management or through more restrictive requirements designed to meet management objectives, we do not impose punitive measures.*

**Comment:**

- Elk need at least 250 acres for security. With all the hunters, beginning Sept. 1 with archery through late rifle season, there's no security for animals or people. I would like to see some areas of the forest closed to hunting and firearm use, populated areas in particular. I think it's important to close areas by Wold, Foxpark, and Foxborough to protect the residents as well as wildlife.

**Letter #:** 179

**Response:** *Thank you for your comment. Closing some areas of the forest to hunting and firearm use was not raised as an issue during the public scoping period for this analysis. Since it was not raised during the public participation process for the DEA, it was deemed beyond the scope of the analysis.*

<b>27d: The Forest Service Should Set Aside Areas for ORV Use</b>
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**Comment:**

- I believe that an area of the forest could be found and set aside for the use of off road recreational vehicles such as four wheel jeep trail driving, four wheel ATV use or dirt bike motorcycles. Those that feel this is an appropriate use of this natural resource have a right to be heard also. This would then leave the balance of the forest for on road motorized vehicle travel only for the balance of the spring and summer use season.

**Letter #:** 27

**Response:** *Dispersed motorized recreation is an appropriate use of National Forest System lands. However, the designation of a "sacrifice area" is not an appropriate use of National Forest System lands. The impacts resulting from allowing such use in a restricted area would be prohibited by 36 CFR 261.13(h):*

*"It is prohibited to operate any vehicle off Forest Development, State or County roads : (h) In a manner which damages or unreasonably disturbs the land, wildlife, or vegetative resources."*

*While this level of use may be appropriate on private lands, it is not appropriate for National Forest System lands.*

<b>27e: The Forest Service Should Issue Permits to the Disabled</b>
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**Comment:**

- Several other reasonable alternatives which respond to the issues and the purpose and need should have been considered in the DEA but were not. For example, the DEA claims a "significant issue" used to develop the Alternatives, including the Proposed Action, was "discrimination against the elderly and physically challenged" if ORV use was restricted. We doubt this is a significant issue since even if off-road travel was entirely prohibited, elderly people and disable people who can't hike would still have access to vast regions of the Forest by way of the +2,000 miles of USFS-created roads that are open to the public. Most acres of the Forest are within a short distance of one of

these roads. But even assuming this would not be enough to satisfy the small number of people who are incapable of hiking, the way to address this is not by summarily declaring all ``user-created" roads and trails open to the public. A reasonable alternative would be to prohibit all off-road travel except by those who, because of physical condition, are unable to hike. Individuals who fall within this class could obtain ``disabled/off-road allowed" permits from the USFS and display it on their vehicles; all other users would be restricted to existing USFS roads. The DEA did not explore this kind of alternative. While the resulting ORV use under this travel management strategy would still pose some potentially significant impacts, those impacts would be far less severe -- and much easier to control -- than the impacts posed by any of the alternatives considered in the DEA.

**Letter #:** 129

**Response:** *The volume of written comments addressing the subject of disabled access argues that this EA was correct in identifying this as a key issue. The EA tried to be responsive to the matter of discrimination among users by preferring an alternative which would permit motorized access within 300 feet of established roads. This was an attempt to be fair to all classes of hunters.*

<b>27f: The Forest Service Should Open Some Closed Roads</b>
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**Comment:**

- A final alternative the USFS should explore involves restricting motorized use to USFS-created roads and trails but opening some of the USFS-created roads that are currently closed as a [sic] providing more motorized recreation opportunities. For example, because the USFS is apparently concerned about a purported shortage of ORV opportunities on the Laramie District (DEA, page 25), it is reasonable to explore whether opening some of the now-closed roads on that part of the Forest would address this issue. While we would not support such an alternative -- since all closed roads have been closed for a good reason (e.g., to limit disturbance to wildlife) -- this option is nevertheless preferable in many respects to the Proposed Action of ``opening" all ``user-created" roads and trails on the Forest. The DEA did not explore this kind of option either.

**Letter #:** 129

**Response:** *As stated in the DEA, we are not proposing to open or close any existing roads or trails through this analysis (unless they are causing unacceptable resource damage). All user-created routes are currently ``open" for use only because we have not yet had an opportunity to complete site-specific travel management analyses to determine their fate. Since they are already open, selection of the Proposed Action would not ``open" user-created roads and trails.*

*Although we did not consider opening currently closed Forest Service created roads, during the initial phases of our analysis we did contemplate whether or not to consider Alternative 5 (which would have closed user-created routes) as a viable alternative. However, after discussing this option with other forests around the Region, who have undergone similar analyses, we decided that it would not be*

*feasible. Experience has shown that trying to address site-specific road/trail closures, while attempting to implement new regulations which would require forest users to remain on existing routes (whether they be Forest Service created or user-created), was too cumbersome and complex. The responsible official agreed with this determination; it would take far too long to analyze each and every route to the level necessary to determine its fate. Meanwhile new user-created routes would be created. Consequently, we decided that it was in the public's, and the Forest's, interest to stop the development of future, user-created routes now and determine the fate of both Forest Service and user-created routes during the future, site-specific analyses. For the same reason just described, it would not be feasible to restrict motorized use to USFS-created roads and trails but open some of the USFS-created roads that are currently closed as you proposed.*

## **28: Hunting Experiences**

### **Comment:**

- The statement ``OHV use increases safety concerns, reduces opportunities for people who enjoy non-motorized experiences such as hunting..." This comment recognizes that hunting activities are increasingly utilizing ATVs, not only for game retrieval, but to access more remote hunting areas. Hunters with ATVs may indeed impact the experiences of hunters who do not utilize motorized travel mechanisms.

**Letter #'s:** 26, 111

**Response:** *Thank you for your comment. The statement you reference has been changed in the final EA to read: ``Unrestricted OHV use increases safety concerns, reduces opportunities for people who enjoy non-motorized experiences, such as hiking, wildlife viewing, horseback riding, and non-motorized hunting, and it reduces hunting quality for hunters who choose not to use OHVs."*

### **Comment:**

- Game retrieval is not an excuse to use ORV's off designated roads either. These things are the major reason you cannot have a quality hunting experience any more, let alone be successful.

**Letter #:** 117

**Response:** *Thank you for your comment. The Game Retrieval alternative (Alternative 2) was developed to respond to comments received during the scoping period for this proposal. Because game retrieval was deemed a key issue (based on agency and public comments) during scoping, we were required by law to develop an alternative which would examine the effects of allowing off-road travel for game retrieval. Although game retrieval was a key issue, which warranted the development of an alternative to the Proposed Action, it does not mean that the Responsible Official will, in fact, choose this alternative.*

## 29: Monitoring Reports

### **Comment:**

- Inconsistency in monitoring impacts on vegetation, soils, water resources and riparian areas is evident from an examination of the Annual Monitoring and Evaluation Reports from 1993 to 1996. There is a lack of specific measurements and location of soil loss. There is a broad statement in the last paragraph in the section under Water. It states ``Impact sources include all aspects of multiple use management, such as timber harvest, road construction, grazing, mining, and recreation, including off-road vehicle use." But in this section there is no specific location(s) to identify where damage by OHV's has occurred. In addition, the monitoring items for Sediment Threshold limits, Water Quality and Soil Erosion in the Annual Monitoring and Evaluation Reports for 1993 to 1999 did not identify any of the items that exceeded the Forest Plan Standards and Guidelines. This is contrary to the statement under Chapter III. AFFECTED ENVIRONMENT in the General Description section that ``Resource damage resulting from unrestricted off-road use often conflicts with several Forest-wide Standards and Guidelines. Either monitoring is not being done accurately or the statement in the E.A. is not accurate.

**Letter #:** 101

**Response:** *The monitoring and evaluation reports are based on major ground disturbing projects, such as timber sales and grazing allotments. This is usually part of a follow-up monitoring to check that the mitigations that are listed in decision documents are implemented. Time spent on non-system trails are non-existent.*

### **Comment:**

- The E.A. states that ``Big game hunting on the Forest results in the highest number of visitors and the highest number of conflicts between motorized and non-motorized Forest users." How was this determined? The Annual Monitoring and Evaluation Report does not break out dispersed recreation visits by hunting. Comparing Table 5. 1995 total MRVD of 91.67 with the 1995 actual output accomplishment of dispersed recreation MRVD of 700.2, hunting accounted for only 13% of the total use. Hunting use increased in 1997 but I did not have the 1997 Report to compare it with the dispersed recreation. I would assume that dispersed recreation would increase proportionately.

The act of hunting does not result in impacts to vegetation, soil, and water resources. But camping and vehicle movement might. Again, this is not borne out by the monitoring reports.

**Letter #:** 101

**Response:** *Big game hunting accounts for the highest number of people at one time on the Forest for that season of use. This was determined by visual observations and visitor contacts by Forest Service personnel, Wyoming Game and Fish personnel,*

*and County Law Enforcement Officers. We also have traffic counters on our arterial, collector, local, and primitive roads that show that our daily average traffic increases dramatically during hunting season. We believe that camping and vehicle movement does result in impacts to vegetation, soil, water, and other value based resources. This belief is based on our visual observations, visitor contacts, and the high number of people using the resources available.*

**Comment:**

- I would like to see a response in the E.A. to the monitoring report on habitat effectiveness. There seems to be a conflict between the two reports. Harvest objectives of the Wyoming Game and Fish Department continue not to be met on the Snowy Range.

**Letter #'s:** 97, 101

**Response:** *Monitoring item #22 in Chapter 4 of the Land and Resource Management Plan for the MBNF is called "elk habitat effectiveness." It is used to monitor General Direction 1453MB and Standard and Guideline 7031MB (page III-76 in the Forest Plan). The type of data used is the amount of open road per square mile, adjusted by a factor accounting for the frequency of traffic. In other words, this monitoring item tracks adjusted road density only. It does not track off-road motorized vehicle use, or the effects of off-road motorized vehicle use. General Direction 1453MB is: Manage public motorized use on roads and trails to maintain or enhance effective habitat for elk. Standard and Guideline 7031MB is: Work toward an open road and trail density of not more than 2.0 miles per 640 acres, except on Pole Mountain and Thunder Basin National Grasslands, within fourth order watersheds. In calculating miles of open road and motorized trail density, one mile of open road or motorized trail with an average of five or more vehicles per day (ADT) counts as 1.00 mile of road; one mile with an ADT of one to five counts as 0.70 miles of road; and one mile with less than one ADT counts as 0.05 miles of road. These adjustment factors have come under some scrutiny in recent years. The problem is that a section of land (640 acres) could theoretically have up to 40 miles of open road on it if all of those miles had the lowest use coefficient assigned them (0.05), and still be within Forest Plan standards and guidelines.*

*Monitoring Item 22 in the 1997 Annual Monitoring Report states the following: "All three Ranger Districts reported monitoring information for meeting Standard and Guideline 7031MB (Forest Plan, page III-76). This guideline pertains to the maximum road density within fourth-order watersheds. During FY 1997, all fourth-order watersheds were reported as meeting the applicable requirements. The data and methodology for determining habitat capability, effectiveness measures, and monitoring have been changing during the past few years. This item will be evaluated in depth during the Forest Plan Amendment process. USFS research from the PNW LaGrande, Oregon, Starkey Unit will be published in the future, aiding in adjusting this monitoring item....."*

*Monitoring Item 22 in the 1998 Annual Monitoring Report states the following: "All three Ranger Districts reported monitoring information for meeting Standard and Guideline 7031MB (Forest Plan, page III-76). This guideline pertains to the maximum road density within fourth-order watersheds. During FY 1998, all fourth-*

*order watersheds were reported as meeting the applicable standard and guideline. The data and methodology for determining habitat capability and habitat effectiveness, has been changing and evolving as newer research has been completed. The Pacific Northwest Research Lab (USFS) at LaGrande, Oregon will be publishing more from the Starkey Unit elk studies. During Forest Plan revision, these newer approaches should be evaluated to bring more into elk habitat effectiveness monitoring than the road density approach presently used. Immediate amendment for this item is not presently advisable, due to the revision schedule. There is no significant change in the resource. Public demand for effective habitat and viewable or huntable populations of elk is apparently being satisfied."*

*Therefore, "habitat effectiveness" as monitored in Forest Plan Monitoring Item #22 is simply a measure of adjusted road densities in fourth-order watersheds. These annual monitoring reports also acknowledge that habitat effectiveness has been changing and evolving in recent years. Most of this has occurred since 1985 when the original Forest Plan was issued. These annual monitoring reports also acknowledge the need to re-evaluate Monitoring Item #22, Elk Habitat Effectiveness, during the revision process. To simply use road densities within fourth-order watersheds as a measure of habitat effectiveness is an oversimplification of habitat effectiveness as it is used within the scope of this analysis.*

*Habitat effectiveness within the framework of this analysis is defined in the DEA and in the Specialist Report: Wildlife for Forest-wide Travel Management Analysis (dated 9/3/98, final edit 4/27/99). **Please also refer to the responses above in Comment Category 16: Questions Regarding the Purpose and Need for the Proposal for more discussion of habitat effectiveness.***

*It should also be noted here that the Purpose and Need section in the DEA lists several purposes for the proposal, and describes several reasons why the proposal is needed. Habitat effectiveness is one of these needs. Several other needs are described pertaining to damage to the land (other resources) and conflicts between various Forest users, and with private landowners resulting from off-road motorized vehicle use. Several of these other needs are also directly or indirectly related to habitat effectiveness, **and are also monitored in the annual Monitoring Evaluation Reports as Monitoring Item #1: Off-road Vehicle Damage.** A review of this monitoring item shows that off-road motorized travel has been a continuing and increasing problem on the Forest essentially dating back to the issuance of the current Forest Plan. The following are summaries of past Annual Monitoring Evaluation Reports for Monitoring Item #1: Off-road Vehicle Damage.*

***1987:** Damage was reported around Pennock Mountain, Quealy Basin, Dipper Lake, Twin Lakes, Old Cedar Pass roads, Fish Creek park, Fold Hill, upper Little Brush Creek road, and Jack Creek Campground. ATV use is resulting in conflicts and the creation of new primitive roads in the Pennock Mountain area. In some areas, ATV use is damaging vegetation. Increased rutting and other damage is occurring in wet meadows from vehicle use. A closure order around Jack Creek campground was prepared. No changes needed to the Forest Plan at this time, however, impacts may result in a change to the Travel management section of the Plan.*



**1988:** *Damage was reported from the Quealy Lake and Phantom Lake areas. Damage at Pole Mountain and Rob Roy areas was attributed to road closure violations. Improved law enforcement is needed. The Hayden District reported several instances of new roads developing due to off-road travel, and some ATV use was reported on Historic trails. These problems will be addressed in the annual update of the Travel Management Plan for the Forest. No changes to the Forest Plan are needed at this time.*

**1989:** *Minor damage was reported from several areas. There was an increase in the number of reports of additional roads being developed by off-road use, and also damage being caused by "hill climbing" by various types of vehicles. Improved law enforcement is needed. Potential problems should be considered during the annual update of the Travel Management Plan. No changes to the Forest Plan are needed at this time.*

**1990:** *Damage (destruction of vegetation and creating ruts resulting in erosion) generally occurs in two situations. The first problem is when travel occurs off Forest Service Transportation System travelways (this may or may not be legal depending on whether it is in an area closed to such travel). The second situation is damage caused when people drive around obstacles on travelways such as snow drifts or bog holes. The damage is greatest when the ground is wet. During 1990 wet conditions during hunting season aggravated the problem in some areas. There are indications that the travel management process, law enforcement, and public information efforts are resulting in reducing the amount of damage from off-road vehicle use. No changes to the Forest Plan are needed at this time; however, changes to the Travel Management Plan which is updated annually, may be necessary.*

**1991:** *Off-road vehicle damage continues to be a problem on the Forest, with most damage occurring in wet meadows. Some users created new roads where an existing route was not available due to being snow covered or too wet. In addition, some white-arrow areas on the Forest are also incurring damage from off-road vehicle users, in spite of efforts by District personnel to prevent this from happening with methods such as signing, rock and log barriers, and patrolling. The Forest needs to improve the effort to inform the public regarding open/closed areas, with an ultimate objective of creating a sense of ownership among OHV users. Other damage occurred when small 4-wheel drive vehicles and ATV's used a foot trail into Standard Park, and a steep road was created by other users near Hog Park. Employees of the City of Cheyenne opened the lower portion of Hog Park Road to access the reservoir during early spring, but chose to drive around a large snow drift on Soldier Summit, rather than plowing it. This resulted in deep ruts across a sensitive meadow environment. The Brush Creek District recommends that a use restriction be implemented for the Pennock Mountain and Twin Lakes jeep road to prevent resource damage by off-road and 4-wheel drive vehicles. This is a problem related to implementation rather than the Forest Plan, therefore, no changes are needed.*

**1992:** *Off-road damage occurred around Lake Owen and the Vedauwoo Glen road on the Laramie District. The Brush Creek District experienced extensive damage around Campbell Lake, Quealy and Dipper Lakes, Cedar Pass, and Pennock*

*Mountain. The Pennock Mountain area currently is a Semi-Primitive Non-Motorized Management Area. There is a high occurrence of damage to riparian areas and ridgetops in this locale. The Campbell Lake damage has occurred because there is no road established to the Lake, and many visitors with knowledge of the lake access it by driving cross-country. An action plan is needed to identify opportunities to reduce off-road damage. No changes to the forest Plan are needed at this time.*

**1993:** *Damage caused by off-road vehicles continues to be a problem, especially in remote areas such as high mountain lakes, isolated valleys, and areas with challenging terrain where there are no Forest roads. The Brush Creek District reported damage near Quealy and Dipper Lakes, which are located in the Snowy Range 3A Management Area. Damage near these lakes is becoming extensive, even though the District has been informing the public about the motorized use restrictions. The District also experienced extensive damage near Campbell Lake due to the lack of legal public access. The Pennock Mountain area on the Brush Creek District is currently being managed according to a Semi-primitive non-motorized emphasis. The big game winter range Management Area prescription for this area allows snowmobile use when such use is compatible with the overall recreation and wildlife management objectives. There is extensive damage being caused by people driving off the roads, especially on ridgetops, in wet areas, and at stream crossings. Additionally, some users are getting stuck going into the area and are crossing private lands to exit the area. Landowners adjacent to the Forest are also claiming damage due to competition for forage between domestic livestock and big game, because wildlife is being forced onto their lands by OHV users. There are similar conflicts with landowners occurring adjacent to the Cedar pass Semi-primitive motorized area. On the Laramie District, there is a continuing problem with a motorcycle trail that was developed into an area beginning near the junction of Roads 500 and 305, and winding through an unroaded area (Hell's Canyon and Spruce Mountain). The trail has been marked with homemade signs and painted trees, and the debris has been cleared to enhance travel by motorcycles. There may also be unauthorized racing occurring on this trail. Another problem on the Laramie District is related to the Little Laramie Ski Trail System. This system was designed for cross-country skiing and other single-track uses, but full-sized pickup trucks are being driven on the trails and old timber skidding roads. The skid roads were blocked by earthen berms, but they have been driven over frequently and are no longer an obstacle. A number of rehabilitation projects have been proposed in several areas with the objectives of redirecting ORV use out of sensitive meadows and creek bottoms, and areas where soil erosion is occurring. Informational signs and "tread lightly" information will be placed in campgrounds and at dispersed camping sites. All the Ranger Districts are documenting an increase in ORV travel and damage due to the availability of access to the Forest. Travel management changes are currently being made in conjunction with the Forest Plan revision, but no changes are currently needed.*

**1994:** *Damage caused by off-road vehicles (ORV) continues to be a problem, especially in remote areas such as high mountain lakes, isolated valleys, and areas with challenging terrain where there are no Forest roads. The Brush Creek and Hayden Districts report extensive damage in the Campbell Lake area, Pennock Mountain and Cedar Pass areas. These areas are managed as Semi-primitive non-*

*motorized, and are not open to motorized use. There is extensive ORV damage occurring along ridgetops, stream crossing, and wet areas. There are also numerous conflicts between private landowners adjacent to the area, ORV users, Forest Service travel management policies, big game management, and domestic livestock uses. Some ORV damage is occurring in meadows near roads in the vicinity of Road 105.1b area. There is a small hill near Jack Creek Campground that is becoming rutted by ORV's, which is causing erosion. Erosion is also occurring 1/4 mile downstream from Battle Creek Campground on a steep hillside. Brush Creek District is developing an ATV management plan for the Mullison, Lincoln, and South Brush Creeks, and Campbell Lake. The objectives of this project are to redirect ATV use from sensitive meadows and creek bottoms, and areas where soil erosion is occurring. Laramie District reports that ATV use has created new trails in areas that are closed to such activities. Several problem areas have been identified for inventory and mitigation during the 1995 field season, including the Little Laramie Ski Trail.*

**1995:** *The Douglas District reported one incident of damage being caused to a wet meadow northeast from Russell's Camp. Deep ruts were created by a vehicle, which was compounded by water eroding one of the tracks into a gully that is two feet deep and about one foot wide. Laramie District performed extensive mitigation work on some ORV damage on pole Mountain. Several road closures were rehabilitated to prevent ORV's from transgressing them, and any related damage was corrected by recontouring and seeding the landscape. Brush Creek/Hayden District reported resource damage being caused by off-road vehicles driving off the Savery Stock Driveway north of Highway 70. The damage on a hill near Jack Creek Campground was addressed by the District by placing large boulders at the base of the hill to prevent travel by ORV's. The ruts still need to be repaired and seeded. The ruts located 1/4 mile downstream from the Battle Creek Campground have not been mitigated. The District will place trees to cover the damage during the summer of 1996. A project at the Mullison, Lincoln, and South Brush Creeks, and Campbell Lake area was to redirect ATV use from sensitive meadows and creek bottoms, and areas where soil erosion was occurring. Road #205, where it intersects with road #116, has sustained severe erosion problems.*

**1996:** *Common types of ORV damage include the destruction of vegetation, or the creation of ruts which causes erosion. The damage normally occurs as a result of several situations. The most widespread problem is the random travel throughout the Forest that occurs off designated roads and trails (this may or may not be legal depending on whether it is in an area closed to such travel). Damage is also caused by people driving around obstacles on the travelways, such as snow drifts or bog holes. Other damage occurs at the end of designated roads and trails, where some people believe that the real challenge of off-road travel begins. In all these cases, the most damage occurs when the ground is wet. The Laramie District continued to mitigate ORV damage across the District during 1996. The focus was on identifying and obliterating unauthorized roads and trails that had been created by ORV users. The actual rehabilitation work was performed by the Forest road crew. During 1995, the Laramie District mitigated damage to the Little Laramie Trail System, which is closed to ORV use. Although the area had been signed and boulder barriers installed, some ORV's were still using the trail during 1996. Construction of unauthorized trails by ORV users is also a problem on the Douglas*

*District. Travel management is one of the major issues that will be addressed during the Forest Plan revision process. Until then, the Districts will continue to identify areas where ORV use is high or resource damage is occurring. During 1996, the Laramie District began to develop an inventory of sites using the GPS system, to help solve this problem. The immediate goal however, is to contact and coordinate with user groups, to meet the needs of both the ORV users and the Forest resources.*

***1997:** During 1997 the Ranger Districts focused on updating their inventory of all Forest Roads using GPS. The intent of this effort is to identify "user-created roads" and evaluate them for obliteration. This program will be continued during FY 1998. The Laramie District discovered some extensive damage in the Devils Playground area of Veedauwoo during 1997. The Brush Creek/Hayden District continues to identify problems caused by off-road vehicles, such as conflicts with other users and private land owners, soil erosion, decreased wildlife habitat effectiveness, and reduced water quality in specific locations. Most of the soils and water problems occur in wet areas, on closed or unmaintained roads, and at dispersed campsites. During 1997 the District developed a multi-funded travel management program to inventory and evaluate all roads and trails, dispersed campsites, and road closure effectiveness. The District also assembled an ID Team to analyze current travel management policies on the Forest in relation to OHV use. During the field season the District performed rehabilitation of the most critically damaged areas. The Douglas District experienced increasing resource damage from off-road vehicles during 1997. A user-created road was discovered in the Warbonnet peak area during the field season. This 1.5 mile primitive road had been cleared with a chainsaw, and caused an estimated five thousand dollars of damage to the trees and soils. During 1997 the District initiated an aggressive program of posting signs to inform the public of road numbers, directions, and the location of the Forest boundary. This effort was concentrated in the Esterbrook area of Laramie peak, and the Cow Creek Buttes and Upton areas of the National Grasslands. Travel management on the entire Forest is currently being analyzed in compliance with NEPA procedures, and will be addressed in an Environmental Assessment. The completion of this process may result in some changes being made to the Forest Plan. This could be achieved as a separate Amendment to the Plan, or as part of the Forest Plan Revision process.*

***1998:** This monitoring item has described damage related to specific incidents and areas over the years. The Douglas District reported ORV impacts from new user-created routes in the Cow Creek Mountain, LaBonte Canyon, Bull Gap, and Horseshoe Creek areas. In an attempt to provide for motorized trail use, approximately 30 percent of the District's level 2 roads had road number signs installed. Laramie District reported ORV damage on the Pole Mountain area in the vicinity of Roads 701E, 700R, 702A, 700E, 700BA, 700F, and the Devil's Playground area. The Forest-wide Travel Management EA which is currently in draft form will address management problems pertaining to this monitoring item.*

<b>29a: Monitoring in General</b>
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**Comment:**

- Although violations written by law enforcement personnel are quantifiable, they should not be the only source of monitoring. The monitoring requirements described on page 28 provide only a general description of the data that will be gathered. A specific monitoring plan should be developed if the proposed action is adopted. This would enable data gathered from the monitoring effort to then be used to evaluate the Plan's effectiveness for reducing the problems listed on pages 10-11. Also, information from a standardized monitoring plan can help defend the need for future modifications to this Plan or the implementation of similar transportation plans elsewhere.

**Letter #:** 164

**Response:** *Page 28 of the DEA lists a host of items that would be monitored, irrespective of the alternative selected. When a specific alternative is selected, a more comprehensive monitoring plan will be developed. Since the No Action alternative would allow the enforcement of existing regulations, and the Proposed Action and the action alternatives (Alternatives 2-4) would change existing regulations drastically, we felt it premature to develop a comprehensive monitoring plan at this time. As previously mentioned, once a decision is made, a more comprehensive monitoring plan will be developed.*

### **30: Comments Concerning Forest Service Analysis Process**

#### **30a: Scoping Process Was Biased**

**Comment:**

- After reviewing your proposed plan document, we must object to the exclusion of many of our members' comments at public meetings to date. Several of our members have submitted comments, yet, in the list of organizations commenting to date, you exclude our group. This arbitrary exclusion seems improper and suggests you have completely disregarded our comments to date.

We object to your biased outreach practices. For example, you list among the groups you contacted to elicit comments as a four-wheel-drive club in Fort Collins, Colorado. Did you contact environmental groups, like the Colorado Green Party in Fort Collins, in addition to ORV clubs? And, why have you gone out of your way to elicit input from an ORV group located nearly one hundred miles from the affected areas of the forest? The choice of groups you have invited into the public input process seems arbitrary.

**Letter #:** 99

**Response:** *A thorough examination of the scoping ``public comment'' letters was made upon receipt of your May 23, 1999 letter. We could find no Commentor who had affiliated themselves with the Wyoming Green Party. We met with the four-wheel drive club in Fort Collins, Colorado because they first contacted us. We did not go ``out of our way'' to contact them.*

*We would like to think that our ``outreach'' practices were unbiased. Prior to sending out our public outreach notice (scoping, 1/28/98), the Team assigned to*

*this project contacted every District on the Medicine Bow National Forest to determine who had expressed interest in projects of this nature in the past so that we could include interested parties in our mailing. The Wyoming Green Party was not included in the list of interested parties. We apologize if your comments/issues were not addressed in the draft Environmental Assessment (DEA). Because the issues that you identified during the comment period for the DEA (i.e., radioactive waste transportation) were not identified as issues during the scoping process, they were not addressed in the DEA.*

**30b: Public Comments Were Not Addressed in the EA**

**Comment:**

- Our group is disturbed that you excluded its comments from your proposed plan documents. For example, several of our members suggested that you should address radioactive waste transportation in your plan. The effected [sic] areas of the Forest are bisected in several places by Interstate 80, which is a major radioactive waste transportation corridor. There are several public parking areas within the Forest adjacent to I-80. Because current regulations prohibit radioactive waste transporters from parking in other public parking areas along I-80 in Wyoming, we are concerned that these shipments will be encouraged to park within the Forest. Your decision not to address this problem in the proposed plan is arbitrary, and you should explain your decision in the final impact statements.

**Letter #:** 99

**Response:** *Upon receipt of your May 23, 1999 letter, we queried our scoping ``public comment'' database to determine whether or not any of your ``members'' had made comments regarding radioactive waste transportation. We could not find any. In fact, the Forest-wide Travel Management Environmental Assessment Project Leader, tried to telephone Amy Moon, Wyoming Green Party Chairperson, ((745-3266) during the month of June to determine whether or not we had received (or not) alleged comment letters from your constituents regarding radioactive waste transportation. A telephone message was left, but no telephone call was returned. As previously mentioned, a query of the database did not show any comments relating to radioactive waste transportation. Consequently, since we could not find evidence that radioactive waste transportation was brought forth as an issue, it was not deemed significant and was not addressed by the Team of specialists assigned to this project.*

**30c: The Forest Service Failed to Explore Reasonable Alternatives**

**Comment:**

- **An EIS would do a better job considering reasonable alternatives and must not consider the unlawful alternatives discussed in the draft EA.**

Alternatives 1-4: As discussed at length in Sections 1 and 2 of these comments, the Proposed Action is not consistent with the laws, regulations, and policies which govern

ORV use and travel management on Forest Service lands. The USFS is prohibited from sanctioning the unauthorized creation of roads or trails, and citizens are prohibited from creating new roads or trails without a permit. Alternatives 2, 3, and 4 are even less restrictive and thus are similarly contrary to laws, regulations, and policies.

Even Alternative 1 -- the "no action" alternative -- is contrary to the applicable laws, regulations, and policies because it would allow the continuation of significant resource damage associated with unregulated ORV use and the creation of unauthorized roads and trails. (For further evidence of this damage, see the photos and law enforcement documentation on file at the Supervisor's Office).

Since the Proposed Action and Alternatives 1-4 are inconsistent with the law, they cannot be considered "reasonable alternatives." Nevertheless, these are the only alternatives the DEA considered. This is contrary to NEPA.

**Letter #'s:** 112, 129, 167

**Response:** *The current policy was developed through NEPA analysis as part of Forest Plan development and was approved as an integral part of the Forest Plan in 1985. As such, its development and implementation was consistent with law and regulation. Over time, the Forest Service has found that the current policy has resulted in "user-created" routes. The purpose of the EA is to propose an action to rectify this situation. The EA and associated specialist reports document, in several places, that the proposal does not involve the opening or closing of any roads, nor does the Proposed Action propose to add "user-created" routes to the Forest Transportation System. However even if such were the case, the National Environmental Policy Act does provide for the analysis of reasonable alternatives, even if they are not within current law or regulation (see CEQ - Forty most asked questions concerning CEQ's National Environmental Policy Act Regulations (40 CFR 1500-1508); question 2).*

**Comment:**

- User-created routes are a significant issue according to the public and this is reflected within the purpose and need for the project, yet no alternative addresses the issue except for alternative five...According to 36 CFR 1500-1508, the issues, not the consequences, drive the range of alternatives. By eliminating alternative five because it is "too restrictive" the Forest Service is in violation of statute. It is up to the responsible official to determine the significance or merits of the effects of the alternatives. Alternative five must be considered a viable alternative and carried through a detailed analysis.

**Letter #:** 167

**Response:** *All of the action alternatives (the Proposed Action and Alternatives 2 through 4) address the significant issues by proposing to stop the development of future user-created routes. Although Alternative 5 was eliminated, in part, because it would be too restrictive, there were other sound reasons. The rationale for eliminating Alternative 5 has been expanded on in the final document and some of that rationale is provided below.*

*During the initial phases of our analysis, we contemplated whether or not to include Alternative 5 as a viable alternative. After discussing this option with other forests around the Region, who have undergone similar analyses, we decided that it would not be feasible. Experience has shown that trying to address site-specific road/trail closures, while attempting to implement new regulations which would require forest users to remain on existing routes (whether they be Forest Service created or user-created), was too cumbersome and complex. The responsible official agreed with this determination; it would take far too long to analyze each and every route to the level necessary to determine its fate. Meanwhile new user-created routes would be created. Consequently, we decided that it was in the public's, and the Forest's, interest to stop the development of future, user-created routes now and determine the fate of both Forest Service and user-created routes during the future, site-specific analyses. Since site-specific travel management analyses would be completed regardless of the alternative selected, we do not feel that we are in violation of existing statutes.*

**Comment:**

- The range of alternatives presented does not cover the scope of issues that the FS determined to be significant. The impacts of ORV use are deemed to be significant by the EA. The first four issues "leading to the development of the proposed action" on page 14 all discuss the impacts of ORV use yet the proposed action does not address this. The FS is required under 36 CFR 1500-1508 to write alternatives that address the significant issues. The EA claims that these issues led to the development of the proposed action but the proposed action just exacerbates the problem by adding user created routes to the system.

**Letter #:** 167

**Response:** *The Proposed Action and the action alternatives address the key issues by proposing to stop the development of future user-created routes and the problems associated with them. The alternatives also address the key issues by proposing future site-specific travel management analyses wherein both Forest Service and user-created routes would be analyzed to determine whether or not they should either remain a part of or be added to the Forest Transportation System. Further, any alternative that is selected would be monitored (see page 28 of the DEA) to ensure that the "Purpose of and Need for the Proposal" (see DEA page 10) is met and that the significant issues are addressed.*

*Although the DEA indicates in several places that future site-specific travel management analyses would be completed, the "Features Common to all Alternatives, Including the No Action Alternative" section of the DEA (page 19) has been updated to make our intentions more obvious to the reader. It now includes the following information: "5. Site-specific travel management analyses would be completed to determine whether or not to open or close individual roads and trails or to develop additional motorized opportunities. Decisions pertaining to road/trail closures and/or openings and additional motorized opportunities would occur only after further public discussion and disclosure." As mentioned above, the future, site-specific analyses will also address the significant issues.*



**30d: Past Road and Trail Closures Were Not Subject to the NEPA Process****Comment:**

- Numerous areas important for motorized recreation have been managed as closed unless posted open by means of marking the open roads and trails with white arrows. The EA reports this was done by special order, some as early as 1986. They have been managed this way without the benefit of the public input as required by NEPA. 36 CFR 295.3 Public Participation states, "The public shall be provided an opportunity to participate in the process of allowing, restricting, or prohibiting use of areas and trails to one or more specific vehicle types off forest development roads. Sixty days advance notice will be given to allow for public review of proposed or revised designations. In emergency situations, temporary designations up to one year in length may be made or revised without public participation if needed to protect the resource and/or to provide for public safety. The forest has violated NEPA and abused the recreating public by allowing this "white arrow" policy to be implemented, unexamined, for such a long time. It was obviously not well thought out either, since the EA refers to user created trails in these areas, in violation of the orders. These trails are a symptom of a dire recreation needed. They demonstrate that insufficient trails were marked and/or did not provide the desired recreation experience....The "closed unless posted open" policy as implemented by the white arrow system is also in violation of national forest regulations. Regulations and policy state that the forest service shall "Designate all National Forest System lands for off-road vehicle use in one of three categories: open, restricted, or closed" (FSM 2355.03-3). Restricted is defined as "Areas and trails on which motorized vehicle use is restricted by times or seasons of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activity specified in orders issued under the authority of 36 CFR 261. We therefore request that the outdated special orders in these "white arrow" areas be removed and the management of these areas conform to regulations. The EA should clearly state that all user created trails in these areas be evaluated for designation on an equal basis with those as proposed for the rest of the forest.

**Letter #: 127**

- The proposed plan legitimizes much of the damage caused by past unregulated ORV use and fails to address the fact that the decision to allow ATV's (vehicles over 40 inches wide) on trails was done without any analysis.

**Letter #: 138**

- Prior to 1990, ATVs were prohibited by the 40 inch rule. This regulation was repealed, allowing each individual forest to decide whether or not it would allow larger vehicles on trails. Before this decision was implemented, each forest should have conducted NEPA analysis for the effects of allowing larger vehicles onto trails. On the Medicine Bow NF, the decision to allow vehicles over 40 inches onto trails was not accompanied by a thorough analysis of the effects these vehicles would have on trails users, wildlife, or a trail system designed for foot and horse traffic.

**Letter #: 138**

**Response:** *This analysis was initiated specifically to address problems associated with off-route vehicular traffic, not to address past travel management decisions. During Phase II of our analysis, we will be evaluating all routes, including user-created routes, to determine whether or not they should remain a part of, or be added to, the Forest Transportation System. The ``effects that these vehicles would have on trail users, etc." will be addressed at that time through appropriate NEPA analysis.*

<b>30e: The Proposed Action Violates the NFMA</b>
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**Comment:**

- **``User-created" roads and trails are NOT needed for the Forest Transportation System and should be obliterated in accordance with NFMA.** ``User-created" roads cannot be lawful added to the National Forest Transportation System because they have no obvious and exigent ``need" to be added to the system. According to NFMA:

``Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where vegetative cover has been disturbed by the construction of the road, within ten years after termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System." 16 USC 1608(b).

The Draft EA does not establish that any of the ``user-created" roads are ``needed" in the MBNF Transportation System; in fact, the DEA admits the ``necessity" for the ``user-created" roads has not been determined (DEA, page 66). Nor does the MBNF's ``development road system plan" show a ``necessity" for any of the ``user-created" roads to become permanent additions to the Forest. As far as we can tell, the only reason the USFS is proposing to add the ``user-created" trails to the MBNF Transportation System is to appease the people who illegally created and illegally use those roads. But simply because a small number of people may want to use a particular ``user-created" road on the Forest, does not qualify as a legitimate ``necessity."

The irresponsible individuals who unlawfully created the roads and trails - and who continue to use them illegally (i.e., preventing revegetation as required by NFMA) - might argue that the ``user-created" routes are needed to satisfy motorized recreation demands. The DEA indicates the vast majority of OHV use on the Forest is associated with hunting. But hunting has historically been conducted across the Forest without the new high-tech all-terrain vehicles (ATV). And a person's desire to use an ATV on a ``user-created" trail to more conveniently access preferred hunting areas - rather than by hiking or horseback - does not constitute a ``need" for to add that trail to the permanent transportation system. Furthermore, there are over 3,500 miles of USFS-created roads on the MBNF and already in the Forest Transportation System, and over 2,800 of these miles are open to motorized vehicle use. These illegally constructed roads provide reasonable access to virtually every acre on the Forest, and they provide a lifetime's supply of motorized recreation opportunities on the Forest. In other words, there is no ``recreational need" to add any ``user-created" roads to the MBNF Transportation System.

Since the USFS has not shown a compelling need to add any of the ``user-created" roads or trails to the MBNF Transportation System, those roads and trails must be closed and obliterated in accordance with 16 USC 1608(b).

**Letter #:** 129

**Response:** *Routes that have been inventoried by not evaluated through NEPA are coded as "unclassified" until a NEPA determination is made about whether or not the route should be added to the transportation system or decommissioned. The MBNF intends to analyze the transportation system, in detail, during the Phase II analyses, when we can do a thorough job of effects analysis. In the meantime, we would like to eliminate the proliferation of user-created trails by eliminating off-route travel.*

*The term "illegal road" implies that some illegal activity took place when the road was created. Under existing regulations, off-route travel is legal. It is also legal to drive on an established route. Before the Forest Service can identify a road as illegal, we must determine at what point the illegal activity occurred. In most cases, the development of user-created routes was not a pre-meditated violation of Forest Service regulations. Many of them pre-date NEPA (1969). Selecting the Proposed Action would make off-route travel a clear violation - a situation that does not now exist.*

*Our database does not contain a field called "user-created." We do not differentiate between Forest Service created and user-created routes. Rather, they are defined by other characteristics, such as functional class (arterial, collector, or local), maintenance level, surface type, etc. Many so-called user-created routes date back to old mining roads, and are not just an OHV phenomenon. Some user-created routes provide an experience that the Forest Service wishes to, and is obligated to, maintain. Many Forest users seek that primitive road experience because they are seeking solitude and a respite from development (or management). The Commentor implies that the 2-track road is not necessary for our mission, or desirable, and we've already established that we want some of those to remain open. Deciding to obliterate all user-created routes would eliminate that low-end, primitive travel experience in a very arbitrary manner.*

<b>30f: The Proposed Action Violates the Forest Plan</b>
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**Comment:**

- **Adding ``user-created" roads or trails to the Forest Transportation System is contrary to the Forest Plan.** According to NFMA, all authorized uses on a National Forest must be consistent with the applicable Forest Plan. See, e.g., 16 USC § 1604(i). Even though site-specific analyses have never been conducted for each ``user-created" road and trail on the Forest -- and even though the USFS has not even identified all of those roads and trails -- the DEA nevertheless claims that adding all of these routes to the Forest Transportation System would be consistent with the MBNF Forest Plan. See, e.g., DEA, pages 64, 75-76, 80, and 90.

A careful review of the MBNF Forest Plan, however, reveals the Proposed Action (and other action alternatives considered in the DEA) is not even close to being consistent with the Forest Plan requirements.

One of the more egregious examples of Forest Plan violation stems from the MBNF Plan requirement to close roads to motorized use where:

- a. Financing is not available to maintain the facility or manage the associated use of adjacent lands;
- b. Use causes unacceptable damage to soil and water resources;
- c. Use conflicts with the ROS class established for the area;
- d. They are located in areas closed to motorized use and are not "designated routes" in the Forest travel management direction;
- e. Use results in unsafe conditions unrelated to weather conditions;
- f. There is little or no public need for them; or
- g. Use conflicts with wildlife management objectives."

MBNF Forest Plan, page III-78. The "user-created" roads and trails are causing unacceptable damage (see, e.g., DEA, page 34); they are causing conflicts with other users and ROS classifications (see, e.g., DEA, pages 37-41); they are unsafe (see, e.g., DEA, page 122); they are causing conflicts with wildlife (see, e.g., DEA, pages 32-34); and the USFS does not have financing available to properly maintain these roads and trails. Thus, according to the Forest Plan, these "user-created" roads and trails must be closed. Yet this is not what the USFS is proposing to do.

**Letter #'s:** 129, 134

**Response:** *User-created routes have been inventoried and put into our database as unclassified routes which is consistent with the Forest Plan. To be consistent with the Forest Plan, Alternative 2 and the No Action alternative would require an amendment to the Forest Plan. The other alternatives would not. Further analysis of Forest Plan requirements indicated that revisions to the Travel Management Map could be accomplished through a Forest Supervisor's Order.*

*During phase II of our analysis, all motorized roads and trails, including user-created roads and trails, will be analyzed on a site-specific basis. We felt that breaking travel management analyses and decisions into two phases would realistically be more manageable and would give us more time to address, in-depth, our motorized road and trail system that is vital to our management and the public's enjoyment of the their land.*

**Comment:**

- The DEA admits the "no action" alternative is not consistent with the MBNF Forest Plan because of the on-going resource damage being caused by ORV abuse and "user-created" roads and trails. See, e.g., DEA, pages 90-91. However, the USFS is proposing to classify all "user-created" roads and trails "open" until such time as "individual analysis and evaluation" can be performed to determine whether a particular route should be closed and revegetated. See, e.g., DEA, page 66. It would take the USFS many years, perhaps even decades, to perform these analyses. In the mean time, the "user created"

roads and trails that are causing problems and should be closed would remain open and would continue causing problems. Thus, the Proposed Action would be inconsistent with the MBNF Forest Plan for many of the same reasons the "no action" alternative was deemed to be inconsistent with the Forest Plan.

**Letter #:** 129

**Response:** *This proposal deals specifically with closing off-route travel. It was not our intent to make decisions about specific routes with this analysis. That includes making decisions about which routes to close.*

*The Forest Service recognizes that both the addition of travel routes and the decommissioning of existing roads are controversial and require NEPA, including a comprehensive effects analysis, as the Commentor indicates. Recently the FY-2000 Interior and Related Agencies Appropriations bill contained language stating that no funds shall be expended to decommission any system road without public notification and comment. Further direction advises us that this applies to other roads as well. According the Appropriations bill language, decommissioning of a road is an issue, and it is not okay to arrive at a decision to decommission a road as an indirect outcome of a NEPA decision about something else. On the other hand, there is a concern that through the inventory of user-created roads, the Forest Service is sanctioning or validating those roads, or making a permanent decision to incorporate all of the user-created roads and trails into the Forest's transportation system. This is not the case. In order for the Forest to manage the transportation system, it is necessary to inventory all of the roads on the ground. However, these roads are being entered into our database as "unclassified" roads and trails which does not make them part of the permanent transportation system. All unclassified roads and trails will receive further review under future Phase II analyses.*

<b>30f1: The Forest Plan Requires the Forest Service to Obliterate Shortcuts and Undesired Trails</b>
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**Comment:**

- The MBNF's Forest Plan further requires the USFS to:

"Obliterate unauthorized short cuts and undesired trails."

MBNF Plan, page III-80 (emphasis added). The Proposed Action, however, would add numerous "user-created" roads and trails -- including routes the agency admits are short-cuts and undesired trails (DEA, page 34) -- to the Transportation System without any site-specific analysis whatsoever. This is contrary to the Plan.

**Letter #:** 129

**Response:** *Routes that have been inventoried, but not yet evaluated through NEPA, are coded as "unclassified" until a NEPA determination is made about whether or not the route should be added to the transportation system or if it should be decommissioned. The Medicine Bow National Forest intends to analyze the*

*transportation system, in detail, during the Phase II analyses. At that time, we can do a thorough job of effects analysis. In the meantime, we would like to eliminate the proliferation of user-created trails by eliminating off-route travel.*

<b>30f2: The Proposed Action Violates Forest Plan Riparian Standards</b>
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**Comment:**

- Another Forest Plan Standard that would clearly be violated by the Proposed Action is the one which requires the agency to:

“Locate and construct arterial and collector roads to maintain the basic natural condition and character of riparian areas.”

MBNF Plan, page III-51. The DEA admits “user-created” roads and trails are causing resource damage which is “especially prevalent in riparian areas and stream locations” (DEA, page 34). The USFS cannot add these roads and trails to the Transportation System (and cannot even allow them to remain open) without violating the Forest Plan.

**Letter #:** 129

**Response:** *Please see the response to Comment Code 30f1, above.*

<b>30f3: The Proposed Action Violates Forest Plan Wildlife Standards</b>
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**Comment:**

- The MBNF Plan also requires the USFS to:

“Restrict vehicle traffic to minimize wildlife harassment in essential wildlife habitat, and to prevent resource damage in forage and cover areas” (MBNF Plan, page III-78, emphasis added), and to

“manage public motorized use on roads and trails to maintain or enhance effective habitat for elk” (MBNF Plan, page III-76, emphasis added).

By allowing continued use of “user-created” roads and trails and by allowing ORV use to occur within 300 feet of all designated routes, the USFS is not complying with this requirement. The DEA even admits the use of “user-created” roads and trails are causing problems for wildlife, by destroying or eliminating habitat, by fragmenting habitat, by displacing animals from previously secure habitats, and by reducing habitat effectiveness. See, e.g., DEA, page 44.

A different wildlife protection Standard in the Plan reads:

“New roads or other developments shall be placed out of sight of the existing raptor nest if possible, unless specific practices are successfully implemented to maintain or increase nesting opportunities at other sites.”

MBNF Plan, page III-32. However, the USFS has never examined the “user-created” roads and trails to ensure they are located away from raptor nests, so there is no assurance this Forest Plan requirement would be met under the Proposed Action.

**Letter #:** 129

**Response:** *The Commentors identify several Forest Plan Standards and Guidelines pertaining to wildlife. These, as well as numerous other Standards and Guidelines were analyzed in the Forest Plan Consistency section of the DEA on pages 75-76 and 90-91. Appendix B in the DEA also contains a listing of Forest Plan Direction, Standards and Guidelines, and Goals affected by travel management.*

*The Commentors also state that user-created roads have not been examined (under the NEPA process) to identify their effects on wildlife. Some aspects of the effects of user-created roads, off-road motorized travel, and the reduction in off-road motorized travel on wildlife, including threatened, endangered, and proposed species that would result from this proposal are included in the DEA, the Specialist Report: Wildlife for Forest-wide Travel Management Analysis (dated 9/3/98, final edit on 4/27/99), and the Biological Assessment/Biological Evaluation for Forest-wide Travel Management Analysis (dated 8/26/99).*

*Please refer to the above response to comment category 05n: Use of Representative Areas for a more detailed discussion on the design of Phase 1 vs. Phase 2 travel management analyses, how they lend themselves to programmatic vs. site-specific analyses, and the rationale for designing the Forest's long-term travel management effort in this manner.*

**Comment:**

- Don't you have DFCs 10 and 12 that pay some consideration to wildlife habitat?

**Letter #:** 130

**Response:** *It is not clear to the Forest Service exactly what DFCs 10 and 12 are, as referred to in the comment. However, the Forest Plan does contain many considerations for wildlife. The Forest Plan contains general goals for wildlife, and these are presented on page B-13 in the DEA. The Forest Plan also contains a variety of General Direction and standards and guidelines that pertain to wildlife. These are summarized in Appendix B in the DEA.*

<b>30f4: The Proposed Action Violates Forest Plan Soil Standards</b>
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**Comment:**

- Concerning soil resources and erosion, the MBNF Plan requires the USFS to:

``Give roads and trails special design considerations to prevent resource damage on capability areas containing soils with high shrink-swell capacity."

``Provide adequate road and trail cross drainage to reduce sediment transport energy."

MBNF Plan, page III-74. Neither of these Plan requirements is being met by the ``user-created" roads and trails that would be added to the Transportation System under the Proposed Action.

Likewise, the Forest Plan requires the USFS to:

``Maintain all roads to the following minimum requirements:"

- a. arterials - Level 3
- b. collectors - Level 2
- c. all open local roads - Level 2
- d. all closed local roads - Level 1.

Level 1 maintenance includes upkeep of drainage structures and vegetation cover necessary to prevent erosion."

MBNF Plan, page III-80 (emphasis added). None of the ``user-created" roads or trails that would be added to the Forest Transportation System meet any of these minimum maintenance conditions.

**Letter #:** 129

**Response:** *We agree with your statement. Any non-system "user-created" road or trail that would be added to the system would need to meet these minimum standards. This would be done by adding the proper drainage structures or design features that would allow it to meet the forest plan standards and guidelines. If a user-created road or trail could not be brought up to standard, then it could not be added to the system.*

<b>30f5: The Proposed Action Violates Forest Plan Cultural Resources Standards</b>
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**Comment:**

- On the issue the Forest Plan's cultural and historic resource protection requirements, the DEA admits the USFS has ``documented damage to heritage resources by off-road vehicle travel on the MBNF." DEA, page 104. Nonetheless, since the USFS has yet to inventory and study each ``user-created" road and trail on the Forest, the DEA concedes ``it is not known whether we [the USFS] are in compliance with the Forest Plan or not." DEA, page 106. How can the agency claim the Proposed Action would be consistent with the Plan when the agency does not even know what problems the ``user-created" roads and trails are causing?

**Letter #:** 129



**Response:** *The Forest Plan states that cultural resources will be managed and protected in compliance with the National Historic Preservation Act (NHPA), and with Forest Service Manual (FSM) 2360. These user developed trails are developed over time by the public driving in areas where a road has not been constructed. This falls under the Prohibited Uses section of 36CFR261.10 and therefore are not permitted activities on Forest System lands. Section 106, of the National Historic Preservation Act as well as FSM 2360 require that the Forest consider the potential effects of their undertakings to historic properties, and to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment on these effects. Undertakings, as defined in 36CFR800.16(y), are "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal Agency, including those carried out by or on behalf of a Federal Agency: those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to a delegation or approval by a Federal Agency." The development of these user created trails was not permitted and is indeed a prohibited activity on forest system lands and therefore is not considered an undertaking. The analysis of travel management and the proposed alternative have considered the effects to historic properties and have determined that there will be no adverse effects from this action. The State Historic Preservation Office (SHPO) and Advisory Council have been afforded the opportunity to comment and have concurred with our finding of "No Adverse Effect". Therefore Section 106 of the NHPA has been followed as has the direction in FSM 2360 as is required in the Forest Plan.*

<b>30f6: The Proposed Action Violates Forest Plan Open Road and Trail Densities</b>
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**Comment:**

- How can the USFS claim the Proposed Action -- of classifying ``user-created" roads and trails as ``open" and adding them to the Transportation System -- would comply with the Forest Plan open road and trail density limits? These density limits (ranging from 1.2-2.0 miles of ``open" road/trail per square mile of Forest) are based on average use per linear mile of road or trail. If the agency has never measured the use on ``user-created" roads and trails, there is no way to know whether classifying them as ``open" would comply with the Forest Plan.

**Letter #'s:** 129, 133

**Response:** *These routes have not been added to the transportation system. They have been included in an inventory of what's out on the ground so that the Forest Service can accurately assess impacts and effects and better manage the Forest resource.*

*By acknowledging the existence of these roads, the Forest Service has NOT increased road densities (no new roads have been constructed). By including them in our inventory we will, however, be able to consider these roads when calculating road densities during future transportation planning during Phase II analyses.*

**Comment:**

- Don't you have a set of ``miles-of-roads-per-square-mile of the Forest" quotas in your Forest Plan? Don't you have minimum standards for Forest roads?

**Letter #:** 130

**Response:** *The Medicine Bow National Forest Plan (1985) includes a standard for road densities for determining effects to wildlife. The standard requires using adjusted mileages based on the amount of traffic the road receives.*

*By acknowledging the existence of these roads, the Forest Service has NOT increased road densities (no new roads have been constructed). By including them in our inventory we will, however, be able to consider these roads when calculating road densities during future transportation planning during Phase II analyses.*

*See pages 65 and 66 of the DEA for a discussion of low standard routes.*

**Comment:**

- While we understand that the FS is planning on addressing which routes would be opened and which should be closed in the future, it will become politically impossible to close roads once they are open and part of the transportation system.

**Letter #:** 167

**Response:** *Although these types of decisions are often difficult to make because so many interests are at stake, we are responsible for managing the forest and protecting the resources. Consequently, difficult as it may be, criteria to determine which roads should be closed will be developed and decisions to close roads/trails will be made irregardless of which alternative is selected. However, road/trail closures will not occur without further public involvement and disclosure.*

<b>30f7: The Proposed Action Violates Forest Plan Standards for Roadless Areas</b>
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**Comment:**

- The Proposed Action poses significant impacts on roadless and undeveloped areas. There are many ``user-created" roads and trails which have been unlawfully pioneered into undeveloped areas and roadless areas on the Forest. By declaring these roads and trails to be part of the Forest Transportation System, and inviting more ORV use on these routes, the USFS will be degrading the character of these roadless and undeveloped areas. This could render each of these areas forever ineligible for designation as a Wilderness, Wild & Scenic, or Research Natural Area. Courts have already decided that such impacts are ``significant" under NEPA and require preparation of an EIS.

**Letter #'s:** 129, 133

**Response:** *User-created routes have been inventoried and put into our database as unclassified routes. During phase II of our analysis, all motorized roads and trails, including user-created roads and trails, will be analyzed.*

**Comment:**

- Many trails which will remain open to ORV use under the current proposal are located in the roadless areas which contain much of the best remaining wildlife habitat in the region. The proposal fails to address the effects of motorized use on habitat effectiveness for elk and other sensitive species, especially in roadless areas. All routes open to motorized use should be included in ORV calculations. In areas where ORV standards exist, user created routes should be closed to motorized use at least until the agencies can inventory these routes to insure that ORV standards are being met.

**Letter #:** 138

**Response:** *It is correct that some of the user-created trails occur in roadless (former RARE II) areas. It is also correct that roadless areas were not analyzed separately in site-specific analyses. This is a broader, programmatic analysis being conducted at the Forest level. Some analyses are conducted by mountain range and by hunt area. The DEA does address habitat effectiveness, however, it is not addressed at a site-specific scale for each roadless area. All open motorized roads and trails that had been identified and entered into the Forest's database at the time of the analysis were included in the analysis (please also refer to the response above under the comment category 25l: Elk Security Areas). Some aspects of the effects of user-created roads, off-road motorized travel, and the reduction in off-road motorized travel on wildlife, including threatened, endangered, and proposed species that would result from this proposal are included in the DEA, the Specialist Report: Wildlife for Forest-wide Travel Management Analysis (dated 9/3/98, final edit on 4/27/99), and the Biological Assessment/Biological Evaluation for Forest-wide Travel Management Analysis (dated 8/26/99).*

*Please refer to the above response to comment category 05n: Use of Representative Areas for a more detailed discussion on the design of Phase 1 vs. Phase 2 travel management analyses, how they lend themselves to programmatic vs. site-specific analyses, and the rationale for designing the Forest's long-term travel management effort in this manner.*

<b>30g: The Proposed Action Violates Forest Service Manual Direction</b>
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**Comment:**

- **Adding ``User-created'' Roads to the Transportation System Would Be Contrary to Forest Service Manual 2355.** Forest Service Manual 2355 contains extensive direction on ORV management on National Forests. The Proposed Action does not comply with many of these requirements. Notably, FSM 2355.14 states that ``The designation of areas and trails as open, restricted or closed to off-road vehicle use shall be made in a manner that will:

- a. Promote user enjoyment.
- b. Minimize damage to soil, watershed, vegetation, or other natural, cultural, and historic resources of the public lands.
- c. Minimize harassment of wildlife or significant disruption of wildlife habitats.
- d. Minimize conflicts between off-road vehicle use and other existing or proposed uses on the same or neighboring public lands and ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors of the human environment.
- e. Promote the safety of all users of the public lands.
- f. Be consistent with the established management objectives for the areas under consideration.

These requirements are functionally identical to those set forth in 36 CFR § 295.2(b) and discussed above. Therefore, the Proposed Action is inconsistent with the FSM 2355.14 for the same reasons it is inconsistent with 36 CFR § 295.2(b). The Proposed Action would effectively classify "user-created" roads and trails as "open" even though they do not meet these resource protection and safety criteria for minimized impacts, minimized wildlife harassment, minimized conflicts, or even safety. In fact, the DEA even defines "designated routes" under the Proposed Action to include "user-created" roads and trails that "were not designed for safe public use or resource protection."

**Letter #:** 129

**Response:** *Please see the Forest Service response to the second comment under Comment Code 30e.*

**Comment:**

- The Proposed Action is also at odds with FSM 2355.04d,8 which requires the Forest Supervisor to: "Close areas and trails immediately when vehicle use is causing or is likely to cause considerable adverse effects." FSM 2355.05,3 defines "Considerable Adverse Off Road Vehicle Effect" to mean:

"Any adverse effect that will not meet the designation criteria as identified in FSM 2355.14 [cited above]; and that is or may become irreparable because of the impossibility or impracticability of performing corrective remedial measures" [considering factors such as]:

- a. Availability of funding and manpower to prevent or correct adverse effects."
- b. Offsite (secondary) impacts.
- c. Physical and biological conditions, such as slope, vegetation, soil erodibility and compaction, surface and subsurface hydrology, site's natural rehabilitative capability, and so forth.
- d. Other social and political factors that may impair the ability to correct or prevent adverse effects.
- e. Those natural, historical, and cultural resources and areas that are susceptible to irretrievable resource damage."

As discussed previously, the DEA concedes many of the "user-created" roads and trails were created where physical and biological conditions are leading to unacceptable

resource damage. The DEA also admits ORV use has been damaging natural, historical, and cultural resources. Furthermore, as we discuss in Section 1.G below, the USFS does not have sufficient funding and manpower to properly maintain the existing network of USFS-created roads, much less the numerous miles of "user-created" roads and trails on the Forest. Hence, FSM 2355.04d requires the USFS to "immediately close" the problematic "user-created" roads and trails. Since the Proposed Action would classify them as "open," it is contrary to the Forest Service Manual.

**Letter #:** 129

**Response:** *Line officers currently use their authority to implement temporary closures up to one year before doing NEPA in cases such as the Commentor describes here. More typically, though, we repair the damage.*

*This proposal deals specifically with closing off-route travel. It was not our intent to make decisions about specific routes with this analysis. That includes making decisions about which routes to close. No new routes would be opened, or closed, through this decision.*

*The MBNF is not creating any new roads on the ground through this analysis. Whether or not we acknowledge their existence, those roads are already there. This analysis is one step in a strategy to better manage our transportation system. The proposal is an attempt to eliminate the proliferation of user-created routes by eliminating off-route travel. Then we can focus on the effects of existing routes.*

*The Forest Service recognizes that both the addition of travel routes and the decommissioning of existing roads are controversial and require NEPA, including a comprehensive effects analysis, as the reader indicates. Recently, the FY-2000 Interior and Related Agencies Appropriations bill contained language stating that no funds shall be expended to decommission any system roads without public notification and comment. Further direction advises us that this applies to other roads as well, to consider the Appropriations Bill language a statement by the US Congress that decommissioning of roads is an issue, and that it is not OK to arrive at decommissioning as an indirect outcome of a NEPA decision about something else. On the other hand, there is a concern that through the inventory of user-created roads, the Forest Service is sanctioning or validating those roads, or making a permanent decision to incorporate all of the user-created roads and trails into the Forest's transportation system. This is not the case. In order for the Forest to manage the transportation system, it is necessary to inventory all of the roads on the ground. However, these roads are being entered into our database as "unclassified" roads and trails, which does not make them part of the permanent transportation system. All "unclassified" roads and trails will receive further review under future Phase II analyses.*

<b>30h: The Proposed Action Violates Executive Orders 11644 and 11989</b>
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**Comment:**

- **Adding "User-created" roads to the Transportation System would violate Executive Orders 11644 and 11989.** Executive Order 11644 requires the USFS to "establish

policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands." Executive Order 11989 requires that whenever the USFS ``determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, the agency should ``immediately close such areas or trails to the type of off-road vehicle causing such effects." (Emphasis added.)

The DEA records the various ways ORV use has been causing resource damage and user conflicts. Since the USFS has not prevented these impacts and conflicts, or previously taken action ensure safety to all users, the USFS has not been complying with these Executive Orders. We are glad the USFS has now recognized the need to take action to control ORV impacts and conflicts, but the Proposed Action does not go far enough. Specifically, the USFS is intending to allowed continued use of ``user-created" roads and trails on the Forest pending future analysis to determine whether particular roads or trails should be closed. This is contrary to the Executive Orders because it will allow continued resource damage and continued user conflicts. EO 11989 directs the USFS to ``immediately close" any ``user-created" roads which are causing problems. The agency cannot meet this requirement by deferring a determination on whether to these routes until some unspecified time in the future.

**Letter #'s:** 129, 167

**Response:** *Routes which have been inventoried, but not evaluated through NEPA, are coded as "unclassified" until a NEPA determination is made about whether the route should be added to the transportation system or decommissioned. The Medicine Bow National Forest intends to analyze the transportation system, in detail, during the Phase II analyses, when we can do a thorough job of effects analysis. In the meantime, we would like to eliminate the proliferation of user-created trails by eliminating off-route travel.*

*The Medicine Bow National Forest is very committed to travel management, and is already considering how to accomplish Phase II analyses in its out-year budgeting process, as site-specific analysis must occur no matter which alternative is selected. We recognize that the site-specific analysis is as critical as this current analysis. We felt this two-step process to be more manageable, with a greater chance for success, as other National Forests have not been successful combining a programmatic decision (to eliminate off-route travel Forest-wide) with site-specific decisions about every route.*

*This EA addresses Phase I of a long-term travel management strategy on the MBNF, and deals only with off-route travel. It does not involve opening or closing existing routes (unless they are causing unacceptable resource damage), nor does it add any routes to the system. It is simply an attempt to eliminate further development of user-created routes. This is a large-scale programmatic effort at the Forest level.*

*The second phase of the travel management strategy is intended to address the site specific questions about what routes are appropriate to keep open, which ones to*

*close or decommission, and what types of uses are appropriate on remaining routes, at an appropriate scale. This issue is getting a lot of attention nationally, as well as on the Medicine Bow, and our Phase II analyses will be consistent with national direction, with input from our many users. The Medicine Bow NF has many miles of travel routes, and analysis for Phase II will require intensive study of road densities, resource goals, effects to resources, accessibility, and social and economic needs and impacts. These analyses are expected to continue well into the foreseeable future, and in fact, have been ongoing. In the meantime, the proposal under Phase I is to eliminate the further proliferation of user-created routes.*

*The Forest Service recognizes that the current transportation system may not be the best one to meet the direction that is quoted here. That is why we have developed a travel management strategy which we feel will be the most successful in making necessary changes. Both the addition of travel routes and the decommissioning of existing roads are controversial and require NEPA, including a comprehensive effects analysis. Recently, the FY-2000 Interior and Related Agencies Appropriations bill contained language stating that no funds shall be expended to decommission any system roads without public notification and comment. Further direction advises us that this applies to other roads as well, to consider the Appropriations Bill language a statement by the US Congress that decommissioning of roads is an issue, and that it is not OK to arrive at decommissioning as an indirect outcome of a NEPA decision about something else. On the other hand, there is a concern that through the inventory of user-created roads, the Forest Service is sanctioning or validating those roads, or making a permanent decision to incorporate all of the user-created roads and trails into the Forest's transportation system. This is not the case. In order for the Forest to manage the transportation system, it is necessary to inventory all of the roads on the ground. However, these roads are being entered into our database as "unclassified" roads and trails, which does not make them part of the permanent transportation system. All "unclassified" roads and trails will receive further review.*

**Comment:**

- The FS must also adhere to Executive Order 11989, which amends Executive Order 11644. This Order states:

[t]he respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trail to the type of off-road vehicle causing such effects until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

The FS has been in violation of this order for quite some time by allowing user-created illegal trails to adversely affect the resources of the Forest. But this EA does nothing to correct the problem because all of the user-created routes that are adversely affecting the environment will be opened to legal use. By opening these routes, the FS is accentuating the problem and will continue to violate Executive Order 11989. The FS must analyze the impacts of these routes within an EIS and must close those trails that are ``causing

considerable adverse effects" until a site-specific decision has been made as to which routes should be opened, closed, or obliterated.

**Letter #:** 167

**Response:** *This proposal deals specifically with closing off-route travel. It was not our intent to make decisions about specific routes with this analysis. That includes making decisions about which routes to close. No new routes would be opened, or closed (unless they are causing unacceptable resource damage), through this decision.*

*The Forest Service recognizes that both the addition of travel routes and the decommissioning of existing roads are controversial and require NEPA, including a comprehensive effects analysis, as the reader indicates. Recently, the FY-2000 Interior and Related Agencies Appropriations bill contained language stating that no funds shall be expended to decommission any system roads without public notification and comment. Further direction advises us that this applies to other roads as well, to consider the Appropriations Bill language a statement by the US Congress that decommissioning of roads is an issue, and that it is not OK to arrive at decommissioning as an indirect outcome of a NEPA decision about something else. On the other hand, there is a concern that through the inventory of user-created roads, the Forest Service is sanctioning or validating those roads, or making a permanent decision to incorporate all of the user-created roads and trails into the Forest's transportation system. This is not the case. In order for the Forest to manage the transportation system, it is necessary to inventory all of the roads on the ground. However, these roads are being entered into our database as "unclassified" roads and trails, which does not make them part of the permanent transportation system. All "unclassified" roads and trails will receive further review.*

*The Medicine Bow National Forest is very committed to travel management, and is already considering how to accomplish Phase II analyses in its out-year budgeting process, as site-specific analysis must occur no matter which alternative is selected. We recognize that the site-specific analysis is as critical as this current analysis. We felt this two-step process to be more manageable, with a greater chance for success, as other National Forests have not been successful combining a programmatic decision (to eliminate off-route travel Forest-wide) with site-specific decisions about every route.*

*This EA addresses Phase I of a long-term travel management strategy on the MBNF, and deals only with off-route travel. It does not involve opening or closing existing routes, nor does it add any routes to the system. It is simply an attempt to eliminate further development of user-created routes. This is a large-scale programmatic effort at the Forest level.*

*The second phase of the travel management strategy is intended to address the site specific questions about what routes are appropriate to keep open, which ones to close or decommission, and what types of uses are appropriate on remaining routes, at an appropriate scale. This issue is getting a lot of attention nationally, as well as on the Medicine Bow, and our Phase II analyses will be consistent with national direction, with input from our many users. The Medicine Bow NF has*



*many miles of travel routes, and analysis for Phase II will require intensive study of road densities, resource goals, effects to resources, accessibility, and social and economic needs and impacts. These analyses are expected to continue well into the foreseeable future, and in fact, have been ongoing. In the meantime, the proposal under Phase I is to eliminate the further proliferation of user-created routes.*

<b>30i: The Proposed Action Violates the Clean Water Act and Other Water Quality Acts</b>
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**Comment:**

- **Adding ``user-created'' roads and trails to the Forest Transportation System will violate the Clean Water Act and other Water Quality and Wetland Protection requirements.** The DEA admits that many ``user-created" ORV roads and trails cross riparian areas and streams. See, e.g., DEA, pages 32 and 34. Riparian areas fall within the definition of ``wetlands" under the Clean Water Act and its implementing regulations. See 40 CFR § 230.3(t). Streams constitute waters of the United States and are therefore also subject to the Clean Water Act (CWA) and its implementing regulations. See 40 CFR § 230.3(s).

Since the Proposed Action would classify illegal ``user-created" roads and trails as ``open" (either permanently or until a site-specific evaluation is done), this action would effectively authorize continued use of roads and trails entering wetlands and waterbodies. However, such activities cannot be legally authorized without first obtaining road- and trail-specific CWA 404(b) evaluations and permits from the U.S. Army Corps of Engineers. The USFS has not done this.

**Letter #:** 129

**Response:** *Please refer to the Forest Service response given below.*

**Comment:**

- While the CWA exempts certain silviculture activities from the 404(b) requirements, the creation and use of recreational ``user-created" roads and trails does not fall under this exemption. 33 USC § 1344. Furthermore, while the Corps has issued a few ``nationwide 404(b) permits" that cover certain wetland- and water-impacting activities on NFS lands, none of those nationwide permits cover recreational ``user-created" roads and trails. Consequently, the USFS cannot classify any water- or wetland-crossing ``user-created" road or trail as ``open" -- or allow such a route to be used in a way which would degrade wetlands or waterbodies -- without first obtaining a 404(b) evaluation and permit for that route.

The need for road- and trail-specific 404(b) permits is evident from the DEA itself. Indeed, Section 404(c) of the CWA authorizes the Administrator of the EPA to prohibit activities which are causing ``unacceptable adverse effects," and the DEA admits some ``user-created" roads and trails are, in fact, causing ``unacceptable" effects. See, e.g., DEA, page 34. Furthermore, the 404(b) regulations state that ``no discharge of dredged or fill material may be permitted if there is a practicable alternative to the proposed

discharge which would have less adverse impact on the aquatic ecosystem...." 40 CFR § 230.10(a). ``User-created" roads and trails crossing through (or near) wetlands or waterbodies -- and ORVs using those routes -- do discharge material into wetlands and waterbodies within the meaning of the CWA. Thus, a thorough 404(b) evaluation is needed determine whether a given ``user-created" road or trail should be allowed to remain open and whether practicable alternatives (e.g., closing it or rerouting it) exist.

**Letter #:** 129

**Response:** *We agree with your statement. Trails and roads that are built for non-silviculture activities are not exempt from the 404(b) requirements and would need a permit from the U. S. Army Corps of Engineers. The purpose of the proposed action is to restrict motorized use to existing roads and trails. Any user-created road or trail that is put on the system will need to meet minimum standards, which will be determined through Phase II of this analysis. Impacts to soil and water resources were included in the issues that drove this environmental analysis.*

**Comment:**

- The USFS's Proposed Action to allow ``user-created" roads and trails to remain open for use is also contrary to Executive Order No. 11990 on the Protection of Wetlands. This EO requires the USFS to:

``avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative."

This Executive Order further requires the USFS to:

``provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for ... managing ... Federal lands and facilities."

EO 11990, Section 1(a) (emphasis added). Allowing continued use of ``user-created" roads and trails which impact wetlands is contrary to these provisions. Allowing off-road ORV use (e.g., 300-feet from a ``designated route) which impacts wetlands is also contrary to them.

**Letter #:** 129

**Response:** *We agree with your statement. Trails and roads that are built for non-silviculture activities are not exempt from the 404(b) requirements and would need a permit from the U. S. Army Corps of Engineers. The purpose of the proposed action is to restrict motorized use to existing roads and trails. Any user-created road or trail that is put on the system will need to meet minimum standards, which will be determined through Phase II of this analysis. Impacts to soil and water resources were included in the issues that drove this environmental analysis.*

**30j: The Proposed Action Requires a Significant Amendment to the Forest Plan**

**Comments:**

- **The Proposed Action and other alternatives would require a significant amendment to the Forest Plan.** The nature of the Proposed Action is unprecedented: the USFS is essentially proposing to add all "user-created" roads and trails to the Forest Transportation System, and to declare them all open to motorized vehicle use. Furthermore, the proposal to allow off-road travel anywhere within 300 feet of a designated route would make nearly every acre of the Forest open to motorized use. We know of no comparable USFS transportation proposal which is as significant in scope or effect.

When the USFS's proposal is seen for what it truly is (rather than in the vague way the DEA presents it), it is clear the Proposed Action would constitute a significant amendment to the Forest Plan. Thus, the USFS should initiate the procedures set forth in 36 CFR Part 219 for significant amendments. If the USFS were only proposing to restrict off-road travel to correct or prevent resource damage -- in accordance with 36 CFR Part 261 and 36 Part 295 -- this would not require an amendment to the Forest Plan because the Plan explicitly requires the USFS to take such action whenever needed. See, MBNF Plan, pages 76-78. What makes the Proposed Action a "significant amendment" to the Plan is that it would add "user-created" roads and trails to the Forest Transportation System despite the fact that the conditions set forth on page III-78 of the Plan dictate that those roads and trails should be closed.

**Letter #: 129**

- The EA states on page 9 that "An amendment to the Forest Plan would be implemented. The amendment would be needed to incorporate travel regulation changes to the 1985 Travel Management Map." Is this EA the NEPA document for the amendment? The FS is required to do a NEPA analysis on Forest Plan amendments. This document is not adequate as miles and miles of user-created routes are being added to the system resulting in a major change in the landscape and the way that the landscape will be managed. In short, the FS must prepare a separate NEPA document for the amendment to the Forest Plan.

**Letter #: 167**

**Response:** *The DEA was incorrect in stating that an amendment would be needed for this proposal. Forest Plan page II-59 allows for annual updates to the 1985 Travel Map. Therefore, the map would need to be updated and not amended. This error has been corrected in the final document.*

**30k: The Proposed Action Conflicts With Forest Plan Goals**

**Comment:**

- Goals were listed on page 10 under the "Needs" section, but no quantifiable objectives were listed (nor was it indicated where to find them). Objectives are needed to measure

the Plan's success for reducing resource damage, increasing public safety, and reducing conflicts.

**Letter #:** 164

**Response:** *Page 28 of the DEA lists items that would be monitored to ensure that the Purpose and Need for the proposal is being met. To alleviate future confusion, a statement indicating where the monitoring items are located has been added to the "Purpose of and Need for the Proposal" section of the DEA (page 11).*

<b>30k1: The Proposed Action Conflicts With Forest Plan Recreation &amp; Access Goals</b>
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**Comment:**

- The proposed action seems to conflict with some of the "Forest Plan Goals" found on page B-13, such as:

"Provide a broad spectrum of dispersed and developed recreation opportunities in accordance with identified needs and use trends."

"Provide increase public access to National Forest System lands, particularly within the Laramie Peak and Thunder Basin Ranger Districts."

"Manage motorized travel on the transportation system and off-roads to protect land and resource values at lowest cost and with a minimum of regulations." (Emphasis added)

The proposal seems to limit dispersed recreational activities, negate the need for more access to National Forest System lands and imposes regulations which are arguably the "minimum". Why does the National Forest System need more access to National Forest System lands if the public is going to be restricted in access to the National Forest System lands once they arrive on the scene? Restricting use of those lands on a dispersed basis seems to be the end result of this proposed action thus is at cross purposes with the "Forest Plan Goals."

**Letter #:** 30

**Response:** *The MBNF continues to need legal access to land it manages on the Douglas Ranger District which encompasses the Laramie Peak and Thunder Basin National Grassland. Legal access is also needed on other portions of the Forest where land pattern ownership prohibits public access. That access may be obtained and provided by both motorized and non-motorized means. The Forest Plan speaks of access to land that is not accessible by any means (i.e., land that is surrounded by private land). The Plan directs us to work with private land owners to acquire easements (rights-of-ways) so that the public will have access to those inholdings. There is also another question pertaining to access once you get to that land, and that is, "Do we provide access by what ever means to every acre of land?" What the Forest Plan directs us to do is to provide a broad spectrum of recreation opportunities, both motorized and non-motorized. The Medicine Bow National Forest has more miles of motorized routes than any other Forest in the region.*

*Under the Proposed Action we will continue to provide a broad spectrum of uses to motorized recreationists.*

**Comment:**

- As for the comments on page 44 (more motorized recreation) and page 60 (travel behind closed gates), I believe these ideas, if accepted, would only be going against the forests goals and negate any positive effects you have attempted. Just think of the increase in drainage density alone from the creation and opening of more roads if these ideas were allowed.

**Letter #:** 56

**Response:** *Discussion referred to by the Commentor pertaining to increases in off-road motorized vehicle use on page 44 of the DEA is in the Wildlife portion of the Affected Environment section of the DEA. It is simply describing the existing condition with respect to wildlife resources. The proposal does not suggest that we increase motorized recreation. The proliferation of user-created roads and trails, and increases in motorized off-road vehicle use, have resulted in increased disturbance to wildlife and reduced habitat effectiveness in some areas (page 44 of the DEA). These are issues being addressed by the proposal.*

*The second part of the comment refers to travel behind closed gate (page 60 of the DEA). This is part of the discussion of the effects of alternative 2 for Transportation in the Environmental Consequences section of the DEA. It is correct that there will be some effects from game retrieval as described on page 60 of the DEA. The effects of alternative 2 are further discussed in the Wildlife portion of the Environmental Consequences section on pages 84-88 in the DEA.*

<b>30k2: The Proposed Action Conflicts With Forest Plan Fish &amp; Wildlife Goals</b>
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**Comment:**

- Another "Forest Plan Goal" is to "Manage fish and wildlife habitats, including plant diversity, to maintain viable populations of all known native vertebrate species and meet population objectives of management of indicator species." Will these restrictions conflict with that "Goal"?

**Letter #:** 30

**Response:** *No. The proposed travel regulation changes will support this Forest Plan goal.*

<b>30l: Problems Associated With User-created Routes Are Not Disclosed in the EA</b>
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**Comment:**

- As the EA now reads, the greater problem of User-created routes is not being fully disclosed to the public nor are the consequences of delaying action, i.e. the inability to close routes later when they will have become even more firmly established than they are

now. The real decision is being postponed until it will be too late for the Forest Service to take effective action. While seemingly spreading out the public reaction to road closures over time, delaying the decision is likely to invite even greater opposition later than would biting off the whole decision now.

**Letter #:** 134

**Response:** *We have stated in several places throughout the DEA that we intend to complete future, site-specific travel management analyses. At that time, we will be taking a closer look at the road and trail network and making decisions regarding whether or not to close or open existing routes or to create additional motorized opportunities. Undeniably, decisions involving road closures are often difficult to make because so many interests are at stake. However, we are responsible for managing the forest and protecting the resources. Consequently, difficult as it may be, criteria to determine which roads should be closed will be developed and decisions to close roads/trails will be made irregardless of which alternative is selected. As emphasized in the DEA, road/trail closures will not occur without further public involvement and disclosure.*

<b>30m: End of Roads Should Be Signed to Avoid ``Incremental Creep''</b>
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**Comment:**

- The Draft Environmental Assessment indicates that all travel routes would be posted (p. 27). We recommend that the end of travel routes also be posted to prevent ``incremental creep" of user created roads, in 300-foot intervals.

**Letter #:** 164, 179

**Response:** *We agree, and intend to do so.*

<b>30n: Irretrievable and Irreversible Commitment of Resources</b>
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**Comment:**

- The EA on page 64 states, ``There would be no irreversible and irretrievable impacts to the transportation resource under any of the proposed alternatives." The purpose of analyzing the environmental consequences of a project is to look at the impacts of the projects on a wide range of resources. The FS has blatantly ignored the fact that there are hundreds of other resources within the Forest that could be irreversibly and irretrievably impacted by this project. The FS must analyze the impacts of soils, wildlife, threatened and endangered species, non-motorized users, water quality, watershed and hundreds more. The FS must redo the analysis in the form of an EIS to that an adequate analysis is completed on the project.

**Letter #:** 167

**Response:** *That statement is located within the Transportation Section which begins on page 56 and ends on page 69 of the EA. The statement applies only to the transportation resource, and other specialists made a similar determination for their resource.*

### 31: Desired Conditions and Experiences

#### 31a: The Proposed Action Will Not Meet the Desired Condition (EA Page 6)

**Comment:**

- The proposed action will not offer "a variety of experiences for both motorized and non-motorized Forest users." The proposed action will prohibit off-designated route travel for motorized travelers.

**Letter #:** 101

**Response:** *The proposal will result in a loss of opportunities to motorized travelers who ride off of designated routes. Motorized travel routes will still be available and any future travel management analyses will address the possible inclusion of new motorized travel routes.*

#### 31b: Increasing Regulations Will Not Satisfy Desired Experiences

**Comment:**

- If sufficient roads and trails exist to meet desired experiences, then few new trails are created. Often the terrain is self-limiting. Regulations that require designated routes are irrelevant if enough of the right kind of roads and trails are made available. The EA is then challenged to provide a positive climate for this to occur.

**Letter #:** 127

**Response:** *Currently, only two of the three Ranger Districts (Brush Creek/Hayden and Douglas) on the Medicine Bow National Forest contain motorized trails that were constructed by the Forest Service. Because the forest has historically lacked motorized trail opportunities, numerous User-created trails/routes have been developed over the years. Undeniably, many of these trails/routes were created because sufficient trail opportunities did not exist to meet desired experiences. We hope to ameliorate this situation through Phase II of our analysis.*

*During Phase II, we will be completing site-specific travel management analyses to determine if certain routes (whether they be Forest Service constructed or User-created) need to be closed as a result of impacts associated with motorized vehicle use. We will also be determining whether or not sufficient motorized opportunities are being provided across the forest. Decisions to open or close individual routes, or to develop additional motorized opportunities, will be made during Phase 2. Ultimately, our goal is to provide sufficient opportunities to meet desired experiences so that people do not feel the need to create future User-created routes and so that the regulations, although in place, would not really be necessary.*

### 32: Significant Issues Leading to the Development of the Proposed Action

#### 32a: Wildlife Habitat Effectiveness

**Comment:**

- **Wildlife Habitat Effectiveness.** In the Annual Monitoring and Evaluation Report of 1996 all three Ranger Districts reported information about meeting the Standard and Guideline 7031MB which is related to Elk Habitat Effectiveness. This direction pertains to the maximum road density within fourth-order watersheds. ``During 1996, all fourth-order watersheds were reported as meeting the road density guideline." As previously noted, production and support of elk populations is the best measure of elk habitat effectiveness as stated in all Annual Monitoring and Evaluation Reports through 1996. The E.A. seems to dispute this statement. I don't believe the elk populations agree with the E.A. evaluation.

**Letter #:** 101

**Response:** *Please refer to the above responses pertaining to wildlife habitat effectiveness under Comment Category 16: Questions Regarding the Purpose and Need for the Proposal, and under Comment Category 29: Monitoring Reports.*

#### 32b: Conflicts With Private Landowners

**Comment:**

- **Conflicts with private landowners.** My experience as a hunter in four of the Hunt Areas doesn't agree with the statement that ``OHV use often displaces elk and deer from the National Forest to private lands..." I believe that hunting pressure does that. Elk have learned where to go when being hunted and private lands are one of those places. The last several years of heavy snow has caused elk to move to private lands sooner than the usual migration. The snow conditions caused ATV's to use the main roads for travel and many of them left the Forest. They cannot travel in deep snow like a 4x4 vehicle.

**Letter #:** 101

**Response:** *Thank you for your comment.*

#### 32c: Damage to the Land

**Comment:**

- **Damage to the land, including cumulative effects of off-road vehicle use and other management activities.** The statement that ``Forest managers and the public have expressed concern that the proliferation of routes and area-wide vehicular travel impacts vegetation, soils, water resources and riparian areas, and detracts from an area's scenic



"beauty" is contradicted by facts in the E.A. Under the heading 2. RECREATION, page 38, last paragraph it states "User conflicts and loss of wildlife habitat are the main effects of OHV use. There are isolated incidents of soil and water resources in wet areas, around road closures, and at dispersed campsites. However, many of the soil and water concerns are on existing roads and trails where use has been allowed to continue without road maintenance." The Pennock Mountain area is singled out as a problem area. However, the E.A. points out that "The problems began and continue to this day due to lack of enforcement and a lack of Forest Service presence in the area." This statement is true of the entire Forest.

**Letter #:** 101

**Response:** *Many of the effects of off-road motorized vehicle use have been documented over the years in the Forest's annual Monitoring Evaluation Report, Monitoring Item #1: Off-road Vehicle Damage. Please refer to the response under Comment Category 29: Monitoring Reports.*

<b>32d: Inconsistent Regulations and Lack of Consistent Signing and Law Enforcement</b>
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**Comment:**

- The various travel management regulations across the Forest may be confusing to the general public. What is more confusing is worn-out signs that are faded to the point of not being able to read them. The lack of white arrow signs in an area designated as a white arrow area. If this issue was used to develop the Proposed Action why wasn't it used to develop an alternative to the Proposed Action? One that provides for more consistent application of the current regulations, signing, and law enforcement? I would be concerned if the Proposed Action was selected and I saw a person on a grazing allotment traveling off-road. I wouldn't know if that person was a permittee or not. Will mitigation measures be applied consistently across the Forest? I believe the lack of consistency in signing and law enforcement has been the reason the Forest is developing the Proposed Action. This is what has led to the problems with off-route travel. If Alternative 1 was selected and all of the mitigation measures were applied consistently across the Forest it would go a long ways toward resolving most of the issues.

**Letter #:** 101

**Response:** *Page 16 of the DEA identifies increased law enforcement as part of alternative design. This supports the importance this comment places on the matter. This is the opposite of "ignoring the issue." The volume and diversity of comments received in the public participation effort for this analysis concludes that signing and consistency alone do not explain the many controversies involved.*

**Comment:**

- Your press release notes that the new proposal would provide consistency where currently the regulations are specific to the area and conditions. The only merit in the

“one size fits all” consistency approach is that it provides bureaucratic ease and looks nice and neat on paper. I don not think it serves you well in your service to the public.

**Letter #:** 110

**Response:** *Although consistency is definitely an objective in this analysis, it is not a sole concern of the Forest Service, as evidenced by the preceding public comment. As the response to that comment indicates, consistency is far from the only consideration in this analysis. The Proposed Action tries to balance consistency with fairness.*

### **33: Continental Divide National Scenic Trail**

**Comment:**

- ...“as new trail segments of the CDNST are constructed to link existing non-motorized trail segments together, and to reroute the CDNST off of primitive roads or other routes where motorized travel is allowed, motorized use should not be allowed nor considered.” The National Trails System Act, with specific reference to the CDNST, does permit “the use of motorized vehicles on roads which will be designated segments” of the Trail in accordance with administrative use of vehicles, along system roads, in order to enhance the recreational experience of scenic trail users. But while some use of system roads may be allowed to continue, there is no warrant or justification to allow motorized vehicle use on portions of the CDNST that the Forest Service has never designated as roads.

Our examination indicates that segments in the following locations (and perhaps others) must not be opened to motorized vehicle use: (1) to the west and south of Divide Peak, (2) north and south of Forest Road 830, (3) the segment extending three miles south of the Huston park Wilderness, and (4) from Forest Route 550 to the Colorado boundary. These segments are identified as neither “primary forest road,” “secondary forest road,” nor “low standard forest road” on the Medicine Bow National Forest...Whether or not the Forest Service decides to initiate detailed study of Alternative 5, which we recommend, it must take into account the unique statutory and policy statues of the Continental Divide National Scenic Trail and assure that motorized use is not authorized where it does not belong.

**Letter #:** 152

**Response:** *As new trail segments of the CDNST are constructed, motorized use will be prohibited. We will continue, in the future, to try and acquire funding to construct non-motorized segments of the trail that currently overlap motorized routes. We will also analyze those motorized routes during phase II of our analysis to determine future use of those routes for motorized or non-motorized uses. Statutory and policy statues of the CDNST allowed us to use existing motorized and non-motorized routes for the trail system. We are required to designate any new construction of trail segments, for which we receive funding, as non-motorized.*